Ḥadīth as Scripture

Discussions on the Authority of Prophetic Traditions in Islam

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First published in 2008 by
PALGRAVE MACMILLAN™
175 Fifth Avenue, New York, N.Y. 10010 and
Houndmills, Basingstoke, Hampshire, England RG21 6XS
Companies and representatives throughout the world.

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ISBN-13: 978–0–230–60535–0
ISBN-10: 0–230–60535–4

Library of Congress Cataloging-in-Publication Data

Musa, Aisha Y., 1958–
Hadith as scripture : discussions on the authority of prophetic traditions in Islam / by Aisha Y. Musa.
p. cm.
Includes bibliographical references.
ISBN 0–230–60535–4
1. Hadith—Evidences, authority, etc. 2. Hadith—Criticism, interpretation, etc. I. Title.

BP136.4.M85 2008
297.1′2401—dc22 2007041183

A catalogue record for this book is available from the British Library.

Design by Newgen Imaging Systems (P) Ltd., Chennai, India.

First edition: May 2008

10 9 8 7 6 5 4 3 2 1

Printed in the United States of America.

CONTENTS

TRANSLITERATION AND DATING

For rendering Arabic words such as *Ḥadīth* in English, I have followed the transliteration system used by the *International Journal of Middle Eastern Studies*. The Islamic calendar dates from the Prophet Muḥammad's migration (*Hijra*) from Mecca to Medina in 622 CE. Historical figures and classical authors are identified by their death dates using both Hijri (AH) and Gregorian (CE) years. For example, Muḥammad ibn Idrīs al-Shāfiʿi (d. 204/820) died in the year 204 AH, which corresponds to 820 CE.

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INTRODUCTION

The Issue of Authority and Its Ongoing Importance

Ḥadīth are revered by the vast majority of Muslims as the second revelatory source of law and guidance in Islam. Written collections of *Ḥadīth* date from the late second and early third centuries after Muḥammad's migration from Mecca to Medina in 622 CE. The *Ḥadīth* are the only vehicle through which, according to the vast majority of Muslims, we can access the Prophetic Sunna: that which Muḥammad said and did, and of which he approved or disapproved. As such, these stories have been instrumental in shaping the development of Islam as we know it in its various forms. The role they have played has been so influential for so long that both Muslims and non-Muslims alike generally assume they have always had uncontested authority. However, a survey of Islamic history shows that the *Ḥadīth* did not always enjoy such widespread acceptance and authority. Islamic literature from the third/ninth century onward records opposition to the transmitting and recording of *Ḥadīth* among early Muslims. In the nineteenth and twentieth centuries, opposition to the *Ḥadīth* has reemerged among Muslims, making this a question that has not been limited to one era only. Ignorance of these early disputes has contributed to the common misconception that opposition to the *Ḥadīth* as an authoritative scriptural source of law and guidance is a modern-day, Western, Orientalist-influenced heresy.

The following is a critical examination of the opposition to *Ḥadīth* that is recorded in various classical Sunnī Muslim sources spanning several centuries and a comparison of the early opposition to its recent and contemporary counterparts. Scrutiny of these sources reveals the most important bases of opposition to *Ḥadīth*, the evolution of the arguments

on both sides of the issue, and how the *Ḥadīth* eventually came to hold and maintain, in mainstream Sunnī Islam, the high status they retain in spite of such opposition. Careful review of the early sources treated in the present work leads to a number of interrelated conclusions.

First, there are two trends evident in the opposition to the *Ḥadīth*: opposition to *Ḥadīth* as a source of scriptural authority that might rival the Qur'ān and to particular *Ḥadīth* whose absurd or even outrageous content made the religion a potential object of ridicule. Both trends in the opposition to *Ḥadīth* reflect a concern over their authority in matters of religious practice and law as well as theology.

Second, Muḥammad ibn Idrīs al-Shāfiʿī (d. 204/820) laid the groundwork for the concept of the duality of revelation, and highlighted the need for *Ḥadīth* in the practical and legal spheres. The influence of al-Shāfiʿī's arguments is clearly discernable in discussions of the *Ḥadīth* from the early period until today.

Third, after al-Shāfiʿī, Ibn Qutayba and others focused on the opposition to problematic *Ḥadīth*, and that theme appears to dominate the extant literature until Al-Khaṭīb al-Baghdādī's time, more than two centuries later.

Fourth, the concept of the duality of revelation eventually overcame most opposition to the authority of *Ḥadīth* by linking *Ḥadīth* directly with the Prophetic Sunna, as revelation separate from, but parallel and complementary to, rather than competing with, the Qur'ān.

Finally, in spite of the fact that the concept of the duality of revelation succeeded in marginalizing opposition to *Ḥadīth* as a competing scriptural source, it did not eradicate such opposition completely; indeed such opposition has periodically reemerged among Muslims.

For the early period, I focus primarily on the works of al-Shāfiʿī, Ibn Qutayba, and Al-Khaṭīb al-Baghdādī. These three figures address objections to the *Ḥadīth* as an authoritative source of religious law and guidance more directly and in greater detail than other early sources. Moreover, they shed light on the evolution of the debates over the *Ḥadīth* from the second through the fifth centuries AH. In addition to these three authors, I also examine two works dedicated to the issue of problematic *Ḥadīth* (*mushkil al-athār* and *mushkil al-ḥadīth*) as well as supporting evidence found scattered throughout other early works, such as *Ḥadīth* collections and Ibn Saʿd's *Ṭabaqāt al-Kubrā*. Collectively, the information found in these early works confirms that the topic was of concern to Muslims in the early centuries.

Because there are no known extant works by those who opposed the use of the *Ḥadīth* as authoritative alongside the Qur'ān, we must attempt

to discern their ideas and arguments from what is reported by the successful proponents of *Ḥadīth* authority. While we may not be able to ascertain all the nuances of their positions, what is reported is sufficient to allow us to understand some of the most important aspects of their arguments and the reasoning used to support them.

In the current period, I focus on the most prominent figures that have dominated the debates during the last several decades, until the present day. A major advantage today is that we have the works of *Ḥadīth* opponents to examine directly. We do not need to attempt to infer their arguments from the works of the supporters of the *Ḥadīth*, as we must for the early period. We can also look at how both sides present and address their opponents' arguments. Examining the way opponents in the debate present and address each other's arguments in the modern period may offer some insights that will add perspective to our understanding of the discussions in the early works that have come down to us.

Examination of the current debates over the authority of the *Ḥadīth* supports the conclusions drawn from the early sources and demonstrates that the current debates are not merely a modern, Western, Orientalist-influenced heresy; rather they are an inherently Muslim response to inherently Muslim concerns.

While the writing and canonization of the *Ḥadīth* has long been a fait accompli, today, as in the early centuries, the primary reason for opposition to the use and authority of *Ḥadīth* remains the same: objection to their use as an authoritative source of religious law and guidance that might compete with the Qur'ān. The objection to *Ḥadīth* whose content causes Islam to be an object of ridicule also plays a role in the current debates; however, the concern about a second authoritative source of scriptural guidance takes precedence in most of the arguments of *Ḥadīth* opponents.

In addition to the parallels between the ancient and modern debates among Muslims, I also consider parallels between the arguments of the opponents of *Ḥadīth* and the Jewish sect known as the Karaites, who opposed the Oral Law contained in the Mishna and the Talmud. The Karaites flourished in the early Muslim empire, under the same regimes and during the same period as the opponents of the *Ḥadīth*, and many interesting and instructive parallels exist between the two. These parallels have led Michael Cook to posit an Islamic origin for Karaite scripturalism.[1] However, Haggai Ben-Shammai points out evidence of hostility toward Islam on the part of Karaites in the early Muslim empire.[2] Looking at the parallels and also the hostility evident in Karaite literature suggests that there was no direct borrowing. Rather, it is more reasonable to conclude that both groups flourished in an atmosphere of

intense intellectual activity in religious matters, and that both shared a commitment to a purely scripturalist monotheism. What both movements clearly shared were ideas about the nature of scripture and scriptural authority that resonated with each group as monotheists who believe in a divinely revealed Book. Both the Karaites and the Muslims who opposed the use of Prophetic traditions as an authoritative source of religious law and guidance in addition to the Qur'ān objected to giving such authority to a source other than the specific scripture sent by God. One important difference between the Jewish and Muslim scripturalist tendencies is that in Islam, these tendencies never led to a recognized, surviving sect as they did in Judaism.[3]

In spite of the fact that the opposition to the *Ḥadīth* as a source of competing scriptural authority did not result in any surviving sect, the modern-day reemergence of such opposition has persisted for more than a century. Thanks to dramatic improvements in the worldwide publication and communication of ideas, the debate now involves Muslims in all walks of life from around the world, making it a topic of concern to Muslims today as it was in the past.

Key Concepts

Authenticity versus Authority

The terms *authenticity* and *authority* are both essential to the study of *Ḥadīth* criticism, and it is important to make clear what is meant by these terms in connection with the current work. The question of *authenticity* refers to whether or not a particular saying or action reported in a *Ḥadīth* can be traced back with any historical certainty or probability to the Prophet or his companions. How likely is it that the Prophet or companion actually did or said what is reported in a given *Ḥadīth*? Questions related to the issue of authenticity include: When and where was a given *Ḥadīth* believed to have originated and with whom? Did the lives of the adjacent transmitters overlap and their paths cross, so that they could have shared the *Ḥadīth*? Is each of the transmitters trustworthy in character and memory?

Authority refers to the position granted to the *Ḥadīth* as a source of religious law and guidance. Questions related to the issue of authority include: What is the role of the Prophet and his words and practices? What is the nature of divine revelation? Do the *Ḥadīth* represent teachings of the Prophet given him by God?

The two issues are in some ways interdependent. Unless a *Ḥadīth* is considered authentic, it will have no authority. However, if *Ḥadīth* were not seen as authoritative, the question of authenticity would be moot.

The Concept of Duality of Revelation

The doctrine of the duality of divine revelation is now a standard part of mainstream Sunnī Muslim belief. The explanation of one modern Muslim scholar represents the popular Muslim understanding of the two types of divine revelation:

> 1. Recited revelation [*waḥy matlū*]; or the Qur'ān with its absolute inimitability [*i'jaz*] 2. Non-recited revelation [*waḥ*y *ghayr matlū*;] or the Sunnah of the Prophet (PBUH).[4] The same author gives the standard definition of the Sunna: "everything, apart from the Qur'ān, which has been transmitted from the Prophet (PBUH); what he said, did, and agreed to."[5]

This view mirrors the classical doctrine represented in the fifth/eleventh-century work of Ibn Ḥazm, in which he says:

> The revelation (*waḥy*) from God Almighty to His Messenger, peace and blessing be upon him, is divided into two types: One of the two is (ritually) recited revelation (*waḥy matlū*), an inimitably arranged written composition, and that is the Qur'ān. The second is revelation of transmitted sayings, not an inimitably arranged written composition; it is not (ritually) recited (*lā matlū*), but it is read[6]: and that is reports that have come from God's Messenger (peace and blessings be upon him).[7]

Thus, while they are still seen as separate from the Qur'ān, Prophetic reports are accorded the status of divine revelation in these examples. This doctrine grew out of the early debates over the authority of the *Ḥadīth*. We see its roots clearly in the arguments made by al-Shāfi'ī against the opponents of *Ḥadīth* over two-and-one-half centuries before Ibn Ḥazm.

The Concept of Qur'ān Alone

In direct contrast to the concept of the duality of divine revelation is the idea that God's Book—the Qur'ān—is the only preserved revelation from God and the sole scriptural authority in Islam. It is this idea that is

at the heart of the arguments against the use and authority of the *Ḥadīth*. Debates in Egypt at the turn of the twentieth century were touched off by an article "al-Islām huwa ul-Qur'ān Waḥdahu" ("Islam is the Qur'ān Alone") that appeared in the Egyptian journal *al-Manār*.[8] The editor of *al-Manār* was Muḥammad 'Abduh's student Rashīd Riḍā. Although 'Abduh insisted on renewed criticism of the *Ḥadīth*, he did not reject them completely. Some Western scholars have seen 'Abduh and his followers as "neo-Mu'tazlites," inheritors of the early Muslim rationalists.[9] The Mu'tazlites may well have been among the *ahl al-kalām* whom al-Shāfi'ī debates in *Kitāb Jimā'al-'Ilm*. However, Michael Cook points out that during al-Shāfi'ī's time there were a "variety of competing forms of *kalām*, and al-Shāfi'ī's data do not permit a closer identification."[10] Moreover, al-Shāfi'ī reports in his introduction to that work that *ahl al-kalām* were clearly divided on the issue of *Ḥadīth*.[11] In as much as 'Abduh and his followers aspire to be the modern-day successors to the early Mu'tazila, they most closely resemble those who rejected some, but not all Prophetic reports. Modern advocates of taking the *Qur'ān* alone, on the other hand, are the successors of those who rejected all Prophetic reports. As the following examination of their current views and arguments demonstrate, they do bear a striking resemblance to the opponents whom al-Shāfi'ī debates in section one of *Kitāb Jimā'al-'Ilm*.

Today, the terms *Qur'ān alone* and *Qur'ān only* are used so frequently by those Muslims who deny the *Ḥadīth*'s legitimacy as an authoritative source of religious law and guidance that Muslims who defend the position of the *Ḥadīth* refer to their opponents as *Qur'āniyyūn* ("Qur'ānists").[12]

This doctrine also has its roots in the early centuries of Islam. Although the term "*Qur'ān* alone" is not used in the early opposition to the authority of *Ḥadīth*, the idea of the Qur'ān as the only legitimate source of religious law and guidance is readily apparent, especially in reports about the second Caliph 'Umar ibn al-Khaṭṭāb (d. 22/643). Ignaz Goldziher, Nabia Abbott, and John Burton have acknowledged the significance of this idea in early Islam[13]; however, it has largely been ignored or dismissed by most Muslim and non-Muslim scholars perhaps because the doctrine of duality of divine revelation eventually came to override this concern and secured scriptural authority for the *Ḥadīth* alongside the Qur'ān. Also, as Christopher Melchert has observed: "This controversy is harder to document than that among the regional schools in as much as nothing survives from the Qur'an-only side of the debate."[14] Although there are no extant works from the early

advocates of the Qur'an alone position, the works of al-Shāfi'ī, Ibn Qutayba, al-Khāṭīb al-Baghdādī, and others contain enough information for us to discern at least some of the key arguments of that position.

The Current State of Scholarship

The existence of early controversies about the *Ḥadīth* is widely recognized by scholars of *Ḥadīth*. However, the issue of authority has still received far less attention in *Ḥadīth* studies than the issue of authenticity. In both Muslim and non-Muslim study of the *Ḥadīth*, the main focus has been on *Ḥadīth* criticism. However, the purpose of that criticism has been primarily to resolve the question of authenticity, rather than that of authority. For traditional Muslims the focus on authenticity is an attempt to insure the veracity and reliability of *Ḥadīth*, in order to determine which are valid as sources of law and guidance. Classical Muslim criticism of *Ḥadīth* authenticity focused on scrutiny of the *isnāds*, or chains of transmitters of the reports, in order to determine the reliability of the human transmitters involved. It was through this scrutiny of the individual transmitters, their relation to each other and to their teachers and students, that the authenticity of a given report was determined. Personal authenticity was seen as the main guarantee of textual authenticity. In this, the personal qualities of the individuals in a transmission chain and the quality of the linkages in the chain itself are of primary importance. The questions asked about individual transmitters are about their piety, reliability, and memory. The questions asked about the linkages are whether or not the individuals lived at the same time and whether or not they lived in or visited the same places at the same times, so that they could have actually transmitted reports to each other. *Ḥadīth* are judged as having varying degrees of authenticity, from those that are seen as the soundest to those that are rejected as unsound, according the quality of the chain of transmitters.[15] For modern non-Muslim scholars, the primary question regarding the *Ḥadīth* has also been that of their authenticity, but from an historical–critical perspective. Rather than focusing on the reliability of and linkages between individuals in the chains of transmission, non-Muslim scholarship has been skeptical of the use of *isnāds* and has focused on the textual content (*matn*) of *Ḥadīth* and the historical milieus in which they might have appeared (in an attempt to date them). Scholars such as Ignaz Goldziher, Joseph Schacht, and G.H.A. Juynboll have used textual content and

historical milieu to conclude that the majority of Prophetic traditions are later inventions of the second and third centuries AH that were back-projected into the mouths of the Prophet and his companions.[16] Others such as Fuat Sezgin, Nabia Abbott, and Mustafa Azami have challenged the skepticism of Western scholarship and have come to the opposite conclusion—that *Ḥadīth* are a product of the earliest years of the Muslim community, which were written down during the lifetime of the Prophet and his companions.[17] More recently, Harald Motzki has taken a middle position. By combining the tradition-historical and source-analytical approaches to a specific collection of traditions, Motzki attempts "to show how we can ascertain whether, or to what degree, the chains of transmission of *aḥādīth* are reliable."[18] Motzki's analysis leads him to conclude that although criticism of the transmitters "was not entirely satisfactory," it "was a quite workable method of examination that may be of some use even for the modern historian . . ."[19] Motzki, like other scholars of *Ḥadīth*, is focused on the question of authenticity and historical reliability of the *Ḥadīth*. The authority of the *Ḥadīth* is taken for granted.

Authenticity is an important part of modern-day Muslim debates as well as Western scholarly ones. G.H.A. Juynboll considers authenticity to be the main theological issue in the discussions he analyzes in his book on modern Muslim debates, *The Authenticity of the Tradition Literature*.[20] However, authenticity is not the only component in the modern discussions among Muslims. That authority has also been a central issue emerges clearly in Daniel Brown's *Rethinking Tradition in Modern Islamic Thought*.[21] Brown examines both the Egyptian debates discussed by Juynboll and similar debates that have taken place in the Indian subcontinent from the latter part of the nineteenth century until the present. A thorough investigation of the older historical parallels to the modern debates treated by Juynboll and Brown is beyond the scope of either work. Brown acknowledges that this is a disadvantage in his approach and emphasizes both the existence of early controversies and their importance: "The content of Muslim tradition was a matter of controversy long before the reemergence of these questions in the nineteenth century. In fact, hardly an element of the classical consensus on Prophetic authority became established without serious contest . . ."[22]

Brown is not alone in recognizing the existence of early opposition to the use of *Ḥadīth* as an authoritative source of religious law and guidance. Joseph Schacht, who focuses on al-Shāfiʿī's works in his *Origins of Muhammadan Jurisprudence*, includes a brief chapter summarizing

the arguments on both sides, as they are presented by al-Shāfiʿī, after which he concludes:

> It is not the case, as has often been supposed *a priori*, that it was the most natural thing, from the first generation onward, to refer to his [Muḥammad's] real or alleged rulings in all doubtful cases. Traditions from the Prophet had to overcome strong opposition on the part of the ancient schools of law, let alone the *ahl al-kalām*, before they gained general acceptance. Shāfiʿī still had to fight hard to secure the recognition of their overriding authority.[23]

Also drawing on the works of al-Shāfiʿī, but without going into detail, John Burton remarks:

> We have suggested that the Muslims were not united in their view of the emphasis that had been placed on the two sources. Indeed, there is evidence in the *uṣūl* works as late as the second half of the second century AH that some questioned that there was more than one legitimate source. These men insisted on the sufficiency of the Qur'ān source [*sic*] and repudiated the role claimed for the Sunna, not least in view of the differing status and different histories behind the transmission of the two.[24]

Besides the statements of Brown, Schacht, and Burton, there are several other important works of Western scholarship that touch on the question of the authority of the *Ḥadīth*. The earliest of these is Aloys Sprenger's translation of traditions recorded in Al-Khaṭīb al-Baghdādī's *Taqyīd al-ʿIlm* that prohibit or permit the writing down of *Ḥadīth*.[25] As the title of his article indicates, Sprenger's interest was in early Muslim attitudes toward writing, and not in views on the authority of *Ḥadīth*. However, the traditions recorded in *Taqyīd al-ʿIlm* can also be viewed as relevant to the early controversies over the authority of the *Ḥadīth*.

Another early work is a 1907 article by Ignaz Goldziher in which he presents some evidence of early opposition to the authority of *Ḥadīth*, along with the arguments that eventually led to the idea of two forms of revelation. It was the success of this latter idea that would finally establish *Ḥadīth* as the second scriptural source of law and guidance for the majority of Muslims.[26]

The connection between disputes over the writing down of *Ḥadīth* and the question of authority is also clearly evident in volume two of

Nabia Abbott's *Studies in Arabic Literary Papyri*. Abbott draws on a variety of classical Muslim sources, and, like Sprenger, her primary concern is the question of writing among the early generations of Muslims. She uses the disputes as evidence that writing was common:

> the familiar argument that the paucity of literate Arabs and the peculiarities of the Arabic script deterred the rapid development of written Tradition is no more applicable to Tradition than it is to the Qur'an, which was standardized in less than a quarter of a century after Muḥammad's death. In fact, the reasons for the comparative delay in the development of a body of more or less standardized traditions were, in part at least, quite the opposite. Traditions were already being written down by quite a few, even in Muḥammad's day. It was the rapid growth of both oral and written *ḥadīth* following Muḥammad's death and not any lack of literate Arabs equal to the task of recording *ḥadīth* that alarmed 'Umar I and a few other companions.[27]

A further comment by Abbott indicates that the alarm she mentions was directly related to the issue of the authority of the *Ḥadīth* vis-à-vis the Qur'ān: "By denying Tradition the authority that went with sacred records 'Umar meant to forestall the danger of competition between *ḥadīth* and the Qur'ān."[28]

In his discussion of the authority of Prophetic traditions in Mu'tazilite theology, Josef van Ess also emphasizes the question of authenticity as essential to the issue of authority. Citing Abbott, van Ess acknowledges that initially some people saw the *Ḥadīth* as a potential threat to the Qur'ān; however, he does not offer any further discussion of those initial objections. Instead, he focuses on Mu'tazilite dissatisfaction with the *isnād* system and their interest in a more rational means of verifying the authenticity of Prophetic traditions.[29] In *Theologie und Gesellschaft*, van Ess also focuses on the trustworthiness of the Sunna, rather than on the issue of the validity and appropriateness of extra-Qur'ān materials as an authoritative source of religious law and guidance.[30]

The almost exclusive emphasis of the issue of authenticity found in Western scholarship from the time of Goldziher to the present has been aptly demonstrated in Herbert Berg's comprehensive summary of that scholarship in his *The Development of Exegesis in Early Islam*.[31] Berg continues the focus on authenticity with his own work by developing a "method of constructing stylistic profiles" for the purpose of "analyzing *ḥadīth* and determining their authenticity."[32]

Thus, while the early challenges to the authority of the *Ḥadīth* have been recognized by both Muslim and non-Muslim scholars, they have yet to receive the degree of scholarly scrutiny that such an important issue deserves. The focus has been and remains primarily on the authenticity of *Ḥadīth*.

To date, only Michael Cook and Gregor Schoeler have looked closely at early opposition to the writing down of the *Ḥadīth* and attempted to uncover possible reasons for that opposition. In their examinations of early Muslim opposition to the writing of *Ḥadīth*, they look at reports from al-Baghdādī's *Taqyīd al-ʻIlm* and other sources.[33] Cook scrutinizes the chains of transmitters and establishes that the opposition to writing *Ḥadīth* was prevalent in all major centers of early Islamic scholarship.[34] He goes on to argue for a Rabbinic Jewish origin of the Muslim hostility toward writing. Cook's position is that the early Muslim hostility toward writing down *Ḥadīth* mirrors a similar opposition to writing down the Oral Torah in Judaism. He explains that in Rabbinic Judaism this stemmed from a belief that the dichotomy between written Torah and oral Torah would be compromised by committing the oral scripture to writing. What had been revealed orally should be preserved and passed on orally, and what had been revealed in writing should be preserved and passed on in writing.[35] Cook does recognize the question of authority of *Ḥadīth* versus the Qur'ān and acknowledges that such concern is "the most frequently attested motive for opposing writing"; however, he dismisses it as not sufficient "to account for the opposition to the eminently convenient practice of recording Tradition in writing."[36]

Schoeler's scrutiny of the chains of transmission leads him to date the earliest traditions both in favor of and opposed to the writing down of the *Ḥadīth* to the beginning of the second/eight century[37] and to conclude "that opposition against codifying *ḥadīth* in Mecca and Ṣan'ā, scholarly centres far away from Damascus, was much less strong than in Iraq and Medina."[38] Like Cook, Schoeler acknowledges that the primary reasons for opposition to the writing of *Ḥadīth*, according to the texts themselves, is the fear of creating a book that would rival the Qur'ān and that written *Ḥadīth* would distract people from the Qur'an. While acknowledging these as the most frequently cited reasons in the texts, Schoeler does not address these reasons in detail but instead refers the reader to the works of Juynboll, Abbott, and Sezgin.[39] Schoeler posits another reason for opposition to the writing of the *Ḥadīth*, a reason that not only mirrors a primary reason offered by Rabbinic Judaism but one that also fits with what Schoeler sees in the sociopolitical

interests of the Muslim community—the desire to maintain the flexibility of the content of the oral tradition. Schoeler admits that this reason is not openly expressed, but cites several instances that he believes indicate it.[40]

One instance Schoeler offers as an indication that the desire to maintain flexibility of the oral tradition was the primary motivation is the story related by Ibn Saʿd about ʿUmar ibn al-Khaṭṭāb's consideration and subsequent rejection of the idea of committing the *Ḥadīth* to writing.[41] Schoeler acknowledge that after this ʿUmar is portrayed as a staunch opponent of both oral and written transmission of the *Ḥadīth*, yet Schoeler dismisses the importance of this portrayal because it represents an extreme position that did not gain widespread acceptance.[42] However, nothing in this particular example suggests that ʿUmar's decision not to have the *Ḥadīth* committed to writing was out of a desire to maintain flexibility in the oral tradition, as Schoeler suggests. In further support of his suggestion, Schoeler paraphrases the following report in *Taqyīd al-ʿIlm* about the companion Ibn Masʿūd, which I translate from the original in full here:

> Ibn Maʿsūd related a *Ḥadīth* and then his son said: "That is not how you related [it before];" he [Ibn Masʿūd] said: "How do you know?" He [his son] said: "I wrote it down." He [Ibn Masʿud] said: "Bring me the notebook!" So he brought it and he destroyed it.[43]

Although, the wording of this story does contain some hint, as Schoeler notes, of the issue of variation in the oral traditions, there is no indication that Ibn Masʿūd's reaction was motivated by a desire to maintain flexibility through such variation in content. This is something that Schoeler reads into the text, which, as he states, is not openly expressed.[44]

Some reports do suggest a concern for maintaining a dichotomy between written and oral sources of authority by indicating a preference for oral transmission. However, as Toorawa demonstrates in his analysis of the transition of early Arab/Muslim society from an "oral/aural" culture to a "writerly" culture,[45] a preference for oral transmission and learning in the early period is not limited to the *Ḥadīth*, but includes the Qur'ān as well.[46] Toorawa notes very practical reasons for the apparent preference of oral transmission and learning, including defects in the Arabic script that could and did lead to errors on the part of those who relied on books for their knowledge.[47] John Burton has also recognized the same problem of defective texts, arguing that controversies over whether the noun "feet" should be read as genitive or accusative in Qur'ān 5:6 resulted from early Muslims relying on Qur'ānic texts

without vowels.[48] Such a question does not arise from hearing the texts recited because the articulation of each case is distinct. Reading an unvowelled text, however, could lead to just such confusion. A desire to avoid such confusion is both a readily discernible and very practical reason for the stated preference of oral learning and transmission in the early period. Although, the sources indicate a preference for such oral learning and transmission of both the Qur'ān and the *Ḥadīth*, the prohibition of writing applies only to the *Ḥadīth*. The Qur'ān has always been seen as a document that was meant to be both oral and written.

When these issues and information from other early sources are considered, it becomes clear that Cook and Schoeler have been too quick to dismiss what they acknowledge as the most frequently attested motive for opposition to writing down the *Ḥadīth*. The frequent repetition of this motive is only one indication of how strong the sentiment was. Dismissal of the strongly repeated concern over competing sources of scriptural authority as the primary reason for objections to writing down the *Ḥadīth* not only requires us to discount the prima facie evidence in stories recorded in the *Taqyīd al-ʿIlm*, but to discount also the much earlier evidence of opposition to *Ḥadīth*. It is on the basis of some of that early evidence that Cook himself has argued elsewhere for an Islamic origin of Karaite scripturalism:

> In its classical forms—Muʿtazilism, Ashʿarism, Māturīdism—Muslim dialectical theology is not associated with any wholesale rejection of tradition. But enough instances of such rejection are known at an earlier date (roughly second/eight century) to suggest that it may once have been normal; if it was not, it was certainly quite common.[49]

The evidence of such a scripturalist tendency in early Islam, which both Schoeler and Cook acknowledge, together with the fact that precisely such a scripturalist objection appears as "the most frequently attested motive"[50] for opposition to the writing down of *Ḥadīth* in *Taqyīd al-ʿIlm* suggests that either a continuation or a resurgence of scripturalist tendencies was responsible for that objection. Both the idea of a dichotomy between written and oral sources of scriptural authority, which Cook posits as the basis of the opposition to writing down the *Ḥadīth*, as well as the need to maintain flexibility in the oral tradition, which Schoeler posits as the reason for such opposition, are contingent on the belief that such a duality of divine revelation exists in the first place.

The works attributed to al-Shāfiʿī are the first known to us in which we find strongly articulated arguments granting *Ḥadīth* the status of

divine inspiration (*waḥy*). It is these arguments that laid the foundation for the doctrine of the duality of revelation that developed in Islam. However, it took some time for the ideas attributed al-Shāfiʿī to grow and spread, and they still faced opposition. Because the opposition to a potentially competing source of scripture was still prominent at the time al-Baghdādī wrote *Taqyīd al-ʿIlm*—some two-and-a-half centuries after the death of al-Shāfiʿī—the question of the authority of *Ḥadīth* vis-à-vis the Qur'ān still stands out clearly as the primary objection to writing down the *Ḥadīth* discussed by al-Baghdādī.

PART 1

Discussions in the Formative Period

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CHAPTER ONE

The Early Controversies: Sources and Issues

The Bases of Opposition to the *Ḥadīth*

As mentioned in the introduction two major trends are clearly apparent in the early opposition to the *Ḥadīth*. The first is a general opposition to the authority of the *Ḥadīth* as a source that competes with the Qur'ān as a source of religious guidance and law; the second is objection to those *Ḥadīth* that are seen as contradicting either other *Ḥadīth* or the Qur'ān, or the content of which is perceived as ridiculous or offensive to reason. Each of these is represented in the works of two important third/ninth century authors, Muḥammad ibn Idrīs al-Shāfi'ī (d. 204 AH) and Abū Muḥammad 'Abd Allāh Ibn Muslim Ibn Qutayba (d. 276 AH).

The second trend, while not completely opposing the authority of *Ḥadīth* in general, nonetheless objects to the authority of certain *Ḥadīth* in determining religious doctrine and theology. Both kinds of opposition, therefore, represent a challenge to the authority of the *Ḥadīth*, in whole or in part, and both are targeted by al-Shāfi'ī in *Kitāb Jimā'al-Ilm* as equally flawed. Al-Shāfi'ī passionately argues against both positions/ objections in order to establish the Prophetic Sunna, preserved in the form of *Ḥadīth*, as a second form of divine revelation that is critical to properly understanding and implementing the first form of divine revelation—the Qur'ān. It is this concept of the duality of divine revelation, initially articulated by al-Shāfi'ī at the turn of the third century AH, that eventually helped to overcome both groups' objections to the authority of the *Ḥadīth*. In spite of that success, challenges of the *Ḥadīth*

continued, and both opponents and proponents of the *Ḥadīth* continued refining their arguments.

An examination of later works shows that even after al-Shāfiʿī successfully laid the groundwork for the doctrine of duality of revelation, opposition to the use and authority of the *Ḥadīth* as an extra-Qur'ānic source either continued or reemerged, relying primarily on the reported objections of the earliest generations of Muslims to the writing of the *Ḥadīth*. However, the objections to particular *Ḥadīth*, based on their content, dominate later the disputes over the *Ḥadīth*. After al-Shāfiʿī, later writers such as Ibn Qutayba (d. 276/890) focus on this second kind of opposition to the *Ḥadīth*—that based on problematic content of some reports. While al-Shāfiʿī clearly addresses his arguments against both those who rejected all *Ḥadīth* and those who only rejected particular *Ḥadīth*, Ibn Qutayba gives no indication whether his opponents seek to deny authority to all *Ḥadīth* or only to those *Ḥadīth* the content of which they find problematic. In Al-Khaṭīb al-Baghdādī's *Taqyīd al-ʿIlm*, written nearly two centuries after Ibn Qutayba's *Ta'wīl Mukhtalif al-Ḥadīth*, and more than two-and-a-half centuries after al-Shāfiʿī *Kitāb Jimāʿal-ʿIlm*, we once again see opposition to the *Ḥadīth* primarily as a source of authority parallel to or possibly in competition with the Qur'ān.

The data available in early Muslim literature do not allow us to clearly identify specific groups that held such a scripturalist position. Only a few groups are mentioned as doing so, and information on them is limited and inconsistent. In *Kitāb Uṣūl al-Niḥal*, al-Nāshi' al-Akbar (d. 293/906) identifies a sub-sect of the Azāriqa called the Khāzimiyya who "impose only those laws that are based on a Qur'ānic text, or that have been transmitted by the consensus of all Muslim groups." He also mentions an offshoot of the Khāzimiyya called the Bidʿiyya.[1] Several decades after al-Nāshi' al-Akbar, in *al-Maqālāt al-Islāmiyya*, al-Ashʿarī (d. 324/936) does not mention the Bidʿiyya at all, and in his discussion of the Khāzimiyya, he does not attribute scripturalist doctrine to them. This might suggest that the former no longer existed and the latter no longer held such a doctrine by al-Ashʿarī's day. However, he also mentions another group, the Ḥarūrī, to whom he also does not ascribe scripturalist doctrine. Yet nearly half-a-century later, in *Kitāb al-Tanbīh wal-Radd ʿalā Ahl al-Ahwā' wal-Bidaʿ*, al-Malaṭī (d. 377/988) describes the Ḥarūrī as a group who take the Qur'ān and not the Sunna as the basis of their religious practices.[2] Such discrepancies could mean that at different times, and in different places, different members associated with the same groups held differing views on the use and authority of the *Ḥadīth* vis-à-vis the Qur'ān or it could indicate that the authors of the various

works were working with incomplete or inaccurate information. The existence of dozens of sects, many of which also contained a variety of sub-sects divided on various doctrinal issues also further complicates attempts to identify clearly exactly who the early Qur'ānic scripturalists may have been. In spite of this, the influence of their objections to the authority of *Ḥadīth* is readily apparent in the arguments of the proponents of the *Ḥadīth*.

Al-Shāfiʿī and Ibn Qutayba

The earliest extant Muslim works that deal with the controversies over the authority of the *Ḥadīth* are the *Risāla*[3] and *Kitāb Jimāʿal-ʿIlm* attributed to Muḥammad ibn Idrīs al-Shāfiʿī (d. 204 AH/820 CE).[4] The *Risāla* is written explicitly as a treatise on the principles of jurisprudence. In it, al-Shāfiʿī argues that the Qur'ānic commands to obey the messenger make Muḥammad's Sunna an authoritative source of law and that Muḥammad's Sunna is preserved in the *Ḥadīth*. In this discussion, he cites the following tradition, which indicates the nature of the opposition to the authority of the *Ḥadīth*: "God's Messenger (peace and blessings be upon him) said, 'Let me not find anyone of you reclining on his couch when one of my commands, or prohibitions reaches him,' saying, 'I do not know. We will follow what we find in the Book of God.' "[5]

Kitāb Jimāʿal-ʿIlm is al-Shāfiʿī's summary of debates between himself and various unidentified representatives of those who opposed the use of some or all *Ḥadīth* as sources of law. Although it serves primarily as a platform for al-Shāfiʿī's position, he includes arguments from his opponents in somewhat greater detail than he does in the *Risāla*. In *Kitāb Jimāʿal-ʿIlm*, he identifies two divisions of *ahl al-kalām* who are clearly at odds over the issue of Prophetic reports: those who reject all Prophetic reports and those who reject particular reports. He dedicates a separate section of the work to each group, but he builds his arguments against both on the same foundations: that obedience to the Prophet is required of believers and that obedience to the Prophet requires the acceptance of all Prophetic reports that come from a trustworthy source, because such reports are the only means of access to the Prophetic Sunna. As the repository of the Prophet's Sunna, the *Ḥadīth* constitute a form of divine revelation that is complementary to the Qur'ān and necessary for the implementation of the divine commands contained in it.

Another early work devoted to the controversies surrounding the *Ḥadīth* is *Ta'wīl Mukhtalif al-Ḥadīth*[6] by Ibn Qutayba (d. 276 AH). As

the title indicates, this work deals with *Ḥadīth* that are the subject of controversy. The beginning of the book deals with various groups who opposed particular *Ḥadīth* in Ibn Qutayba's time, and lists their basic arguments against them. Like al-Shāfiʿī, he is discussing debates that were occurring during his lifetime. Unlike al-Shāfiʿī, however, Ibn Qutayba does not indicate that any of his opponents reject all *Ḥadīth*, but only that they object to specific *Ḥadīth*. He focuses not on establishing the status of the *Ḥadīth* as a second, complementary form of divine revelation, but rather on overcoming the criticisms leveled against particular *Ḥadīth*.

Both al-Shāfiʿī and Ibn Qutayba refer to the opponents of the *Ḥadīth* as *ahl al-kalām*. The Arabic word *kalām* has two distinct meanings: it refers to *kalām Allāh*, the speech of God, that is, the Qur'ān and *ʿilm al-kalām*, that is, dialectical theology.[7] Is it possible that the term *ahl al-kalām*—as used by al-Shāfiʿī and other *ahl al-ḥadīth* to refer to those who oppose the use of *Ḥadīth* as an authoritative source of religious law and guidance in addition to the Qur'an—has a double entendre, meaning proponents of only "the speech" (*al-kalām*) of God, as opposed to proponents of the words or stories (*al-ḥadīth*) of the Prophet? Al-Shāfiʿī says that there is only one group (*illā firqa*) that rejects the obligation to follow Prophetic traditions. He refers to them only as *ahl al-kalām*, without identifying them further. As Michael Cook points out, during al-Shāfiʿī's time there were a "variety of competing forms of *kalām*, and al-Shāfiʿī's data do not permit a closer identification."[8] Whoever the *ahl al-kalām* may have been, al-Shāfiʿī makes it clear that they were divided on the issue of accepting Prophetic reports.[9] It is unclear why al-Shāfiʿī initially declares that there was only one group that opposed the *Ḥadīth* and then goes on to deal with two groups. Perhaps his initial comment was in reference to those who rejected all prophetic reports.

Ibn Qutayba gives a list of groups that he considers *ahl al-kalām* and ascribes to these groups a variety of divergent beliefs. It seems that the only thing that these diverse groups have in common, as far as Ibn Qutayba is concerned, is their attacks against the proponents of *Ḥadīth* and their opposition to particular *Ḥadīth*. The evidence in both authors' works suggests that al-Shāfiʿī and Ibn Qutayba are using the term *ahl al-kalām* to mean those who engage in dialectics, rather than those who advocate adhering only to "the speech of God." Moreover, the evidence indicates that for both the term refers to a variety of groups with diverse doctrinal views and that not all *ahl al-kalām* opposed the use and authority of Prophetic reports.

Both Al-Shāfiʿī and Ibn Qutayba indicate that the objection to Prophetic reports was widespread. Al-Shāfiʿī states that so many people presented so many arguments to him that he could not remember exactly who said what.[10] Ibn Qutayba makes it clear in his introduction that the opponents of the *Ḥadīth* had written books containing scathing criticisms of the proponents of the *Ḥadīth*.[11] To date, none of those books has come down to us.

Other Early Sources

In addition to the works of al-Shāfiʿī and Ibn Qutayba, there are other works dedicated to problematic *Ḥadīth* (*mushkil al-athār/mushkil al-ḥadīth*) that clearly show the influence of those earlier works. Evidence of the controversies over the authority of the *Ḥadīth* is also to be found in *Ḥadīth* collections themselves, as well as in other works, including Prophetic biography/battle chronicles (*sīra/maghāzī*). Many of these works contain stories about the earliest years of Islam and attribute statements regarding the authority of *Ḥadīth* to the Prophet, his companions, and their immediate successors. Even though it is not possible to determine how accurately these reports represent the actual words and actions of the earliest generations, we can acknowledge that the Muslims of later generations accepted them, recorded them, handed them down, and used them in support of their own arguments. This indicates the importance of the earliest generations as sources of authority and also suggests that those who cited these reports believed that the issue of the relative authority of Qur'ān and *Ḥadīth* had been important since the time of Muḥammad and his closest companions.

ʿUmar ibn al-Khaṭṭāb and the Question of *Ḥadīth*

Because of ʿUmar's status in Islamic history and tradition, the details of the objections attributed to him deserve careful examination. ʿUmar ibn al-Khaṭṭāb was among the most important early Muslims, one of Muḥammad's closest companions, a champion of Islam, and the second man to lead the Muslim community after Muḥammad's death. As the second of the four rightly guided Caliphs (*al-khulafā' al-rāshidūn)*, ʿUmar's reputation for piety and dedication to Islam has been both legendary and unquestioned among Sunnī Muslims throughout history.[12] His opinions on religious matters are also highly respected.

In her 1996 Harvard dissertation, Linda Kern has examined the figure of ʿUmar in the *Ḥadīth* of al-Bukhārī, and some of her observations are of particular interest to the present study. First, Kern's observation that "[a]ccording to the common wisdom, ʿUmar's jealous protection of the divine message earned him his most popular *laqab* [honorific] of *al-fārūq*, or the one who zealously 'distinguished' between God's word and any potential alteration of it."[13] This portrait of ʿUmar, which Kern paints for us from al-Bukhārī reveals why ʿUmar is a lightening-rod figure in the controversies over *Ḥadīth*. Scattered throughout various genres of Islamic literature from the third/ninth century onward are reports that ascribe to this legendary figure strong objections to the writing and transmission of *Ḥadīth*. Taken together, the details of these stories make a powerful impression and corroborate Kern's view that in these stories ʿUmar "radically separated the authority of the Messenger from his Message . . . [and] distinguished the Book as an independent truth source to which no stipulations could be made."[14] This is a particularly important aspect of the controversies over the *Ḥadīth* as a source of scriptural authority because that authority rests on the belief in Prophetic authority and the duality of revelation.

ʿUmar in al-Ṭabaqāt al-Kubrā

In the decades between the death of al-Shāfiʿī in 204/820 and the death of Ibn Qutayba in 276 AH, the first major collections of *Ḥadīth* and other important works still in use today were compiled. One of the latter is *al-Ṭabaqāt al-Kubrā (The Greatest Generations)* by Abū ʿAbd Allāh Muḥammad ibn Saʿd (168/784–230/845). Few details are known about the life of Ibn Saʿd. He was born and raised in Basra. He moved to Baghdad where he became the secretary to the historian Abū ʿAbd Allāh Muḥammad ibn ʿUmar al-Wāqidī (d. 207/747). Ibn Saʿd is also said to have traveled to Kūfā and Medina and to have associated with many of the most important scholars of his day.[15] There is no mention of al-Shāfiʿī being among the scholars with whom Ibn Saʿd associated; however, both men were adults at the turn of the third century AH and both traveled in scholarly circles in the centers of learning. It is reasonable to assume that even if the two never met, Ibn Saʿd was aware of the controversies surrounding the *Ḥadīth* and of the doctrine of duality of revelation that al-Shāfiʿī was championing at the time.

Although he is not the founder of a school of thought or an architect of Islamic doctrine Ibn Saʿd has had great influence on Muslims through his major work. His *Ṭabaqāt* is one of the earliest and most extensive

biographies of the first generations of Muslims. The work is made up of reports that, like Prophetic *Ḥadīths*, consist for the most part of an *isnād* and a *matn*. As the title indicates, it is a record of the lives of the members of the great early generations, beginning with Adam and Eve and moving on through Muḥammad's ancestral lineage down to Ibn Sa'd's own era. Ibn Sa'd recounts the stories without commentary. It is through the medium of his *al-Ṭabaqāt al-Kubrā* that Muslims from his time until today have understood the lives of the Prophet and the earliest generations of Muslims. Later biographers report that Ibn Sa'd was trustworthy (*thiqa*) and truthful (*ṣadūq*). Because of this good reputation, the majority of Muslims accept the stories he relates as an accurate portrayal of how the early Muslims understood and practiced Islam.

The first story Ibn Sa'd narrates about 'Umar's attitude toward the recording of the *Ḥadīth* occurs in the section where he recounts his appointment as Caliph (*Dhikr istikhlāf 'Umar*). He cites a story from Sufyān ibn 'Uyayna (d. 198 AH), on the authority of al-Zuhrī that "'Umar wanted (*arāda*) to write the Traditions (*al-sunan*), so he spent a month praying for guidance; and afterward, he became determined to write them. But then he said: 'I recalled a people who wrote a book, then they dedicated themselves to it (*aqbalu 'alaihi*) to it and neglected the Book of God (*wa-tarakū Kitāb Allāh*).' "[16]

One argument that could be used against accepting this story is that it is *mursal*—its *isnād* is missing a direct link between al-Zuhrī (b. c. 50/670) and 'Umar (d. 22/644)—and should therefore be discounted. However, Ibn Sa'd has not seen fit to exclude it on that basis and both al-Shāfi'ī and Ibn Qutayba are known to have accepted *mursal* reports from trustworthy individuals.

The wording of this story is very direct and leaves no doubt as to what 'Umar feared might happen if he were to commit the Traditions (*al-sunan*) of the Prophet to writing: that, like people before them, Muslims might turn their attention to that book and neglect the Qur'ān. Who those people were is not specified in this story. However, the other stories found elsewhere in the *Ṭabaqāt* are equally clear in wording and give additional detail.

The next story that Ibn Sa'd recounts about the Commander of the Faithful and his attitude toward the *Ḥadīth* is found in volume five of the *Ṭabaqāt*. It is related on the authority of al-Qāsim ibn Muḥammad ibn Abī Bakr al-Ṣiddīq (d. 106 AH)—the grandson of Abū Bakr, another of Muḥammad's closest companions and the first of the rightly guided Caliphs who led the Muslim community after his death. When al-Qāsim was asked by his student 'Abd Allāh ibn al-'Alā' (d. 164 AH) to dictate

Ḥadīth, he refused, saying, "the Ḥadīth multiplied during the time of 'Umar; then he called on the people to bring them to him, and when they brought them to him, he ordered them to be burned. Afterward, he said, 'a Mishna like the Mishna of the People of the Book,' (*mathnā'a ka mathnā'at ahl al-Kitāb*)." "From that day on," 'Abd Allāh ibn al-'Alā' continues, "Al-Qāsim forbade me to write Ḥadīth."[17] As in the first story, what disturbs 'Umar is the writing of a book that will compete with the Book of God. He compares the written *Ḥadīth* with the Mishna of the People of the Book. In Judaism, the Mishna serves much the same function that the *Ḥadīth* have come to serve in Islam. It is a codification of the Oral Law and contains rulings related to the details of ritual purity, prayer, marriage, divorce, and so on. The Mishna and the Gemara together make up the Talmud, which is the most important book in Judaism besides the Torah.[18]

However, 'Umar is credited with objecting to not only the writing of the *Ḥadīth*, but also to transmitting them. Perhaps the strongest and most compelling story about 'Umar's attitude toward Prophetic traditions is that found in volume six of the *Ṭabaqāt*. Here, Ibn Sa'd relates the story of 'Umar's instructions to a delegation of companions that he is sending to the region of Kūfā to serve as administrators. He orders them not to distract the people from the Qur'ān with the transmission of *Ḥadīth*. Again, the wording attributed to 'Umar is significant: "*la taṣaddūhum bil-aḥādīth fa-tashghalūnahum jarridū al-Qur'ān wa-aqillū al-riwāyat 'an rasūl Allāh*" (Do not distract them with the *Ḥadīths*, and thus engage them! Bare the Qur'ān and spare the narration from God's Messenger!).[19] Several things are important about this particular story.

The first issue concerns the wording, and the second concerns one of the transmitters of the story. 'Umar is giving strong and direct commands in this story: "*la taṣaddūhum bil-aḥādīth fa-tashghalūnahum*" (Do not distract them with the *Ḥadīths*, and thus engage them!). 'Umar follows this up with another equally direct order that deserves careful attention: "*jarridū al-Qur'ān*." The Arabic verb *jarrid* is the imperative of the second form of *j-r-d*, literally meaning to make something bare. According to *Lisān al-'Arab*, when used with the Qur'ān as its object, as it is in this story, it means not to clothe the Qur'ān with anything. In the *Lisān*, Ibn Manẓūr specifically quotes Ibn 'Uyayna (d. 198 AH), from whom Ibn Sa'd relates this story, as saying that *jarridū al-Qur'ān* means not to clothe the Qur'ān with *Ḥadīths* (*aḥādīth)* of the People of the Book.[20] However, in this case, 'Umar's next words indicate the source of the stories (*al-aḥādīth*) with which the Qur'an should not be clothed—*al-riwāyat 'an rasūl Allāh*—narration from God's messenger. In reporting this story from Ibn

'Uyayna, Ibn Sa'd does not indicate that Ibn 'Uyayna offered other than a literal understanding of 'Umar's words.

Yet 'Umar clearly has not strictly forbidden such narration: "*jarridū al-Qur'ān wa aqillū al-riwāyat 'an rasūl Allāh*" (Bare the Qur'ān and be sparing with narration from God's Messenger.). It is not talking about the Messenger or what the Messenger may have said that troubles 'Umar. What troubles him is the possibility of generating something that would rival the Book of God. In the previous stories, 'Umar's concern was that writing down the Traditions would do so. In this story it is clear that he fears any narration of Prophetic Traditions will do the same thing.

Taken together, these stories indicate that writing and transmitting the *Ḥadīth* was a commonly accepted practice—it is only after careful consideration that 'Umar rejects the idea of putting the *Ḥadīth* in writing, and then takes the drastic step of calling for and destroying what others had written of the *Ḥadīth*. This suggests that 'Umar's actions represent a radical departure from the prevailing norm. In that case, 'Umar, in keeping with his image as the defender of God's Book, is acting in response to something that is competing for status and authority with God's Book.

If these stories truly represent 'Umar's attitude toward writing and transmitting Prophetic traditions, it could be argued that they represent his personal opinion and are not based on a command from the Prophet.[21] However, there are two problems with this argument. First, it presupposes the acceptance of commands of the Prophet, beyond the Qur'ān, as binding, while that idea was still a matter of some debate when 'Abd al-Razzāq and Ibn Sa'd were writing. Second, and more importantly, even if it is only 'Umar's personal opinion, it is still the basis for his objections to the transmission and writing of the *Ḥadīth*. According to these stories, 'Umar strongly opposed both the writing and the transmission of *Ḥadīth*—not because he disapproved of writing or of sharing information, but because he feared that they would gain a status equal to or even greater than that of the Qur'ān itself. Even if these stories do not truly represent the attitude, commands, and actions of 'Umar, they do represent him as the archetypal defender of God's Book at a time when some people saw the Prophetic traditions as competing for status and authority with God's Book.

'Umar in the Ḥadīth

The *Ṭabaqāt* is not the only third-century source that portrays 'Umar as objecting to extra-Qur'ānic materials. Several *Ḥadīth* collections, both

canonical and noncanonical, report ʿUmar's concern about extra-Qur'ānic materials from the Prophet. The collections of *Ḥadīth* that eventually became canonized are not the earliest collections of *Ḥadīth* that have come down to us. An important earlier work is the *Muṣannaf* of ʿAbd al-Razzāq al-Ṣanʿānī (d. 211/827).[22] ʿAbd al-Razzāq reports both ʿUmar's decision not to commit the Sunna to writing for fear that it will lead to a book to which people turn and leave the Book of God,[23] and also a story in which ʿUmar gives this order to those he is sending out to govern.[24] The details of the former story are nearly identical with minor but notable additions. However, the details of the latter differ more dramatically between the version reported by ʿAbd al-Razzāq and the version reported some two decades later by Ibn Saʿd. The story about ʿUmar abandoning the idea of committing the Sunna to writing recorded by ʿAbd al-Razzāq adds the statement that ʿUmar consulted the Prophet's companions on the issue and that they encouraged him to do so. ʿAbd al-Razzāq's version also ends with a dramatic statement attributed to ʿUmar. After recalling a previous people who wrote a book to which they dedicated themselves and for which they "left the Book of God," ʿUmar is reported as saying, "*wa-innī wallāhi lā ulabbis Kitāb Allāh bi-shayy'in abadan*" (By God! I will never clothe the Qur'an with anything).[25] Looking back at the entry in *Lisān al-ʿArab* noted earlier in the discussion of the story related in the *Ṭabaqāt*, Ibn Manẓūr specifies that *jarridū al-Qur'ān* means not to clothe it with anything (*lā tulabbisū bihi shayyan*).[26] This addition suggests that the *Ḥadīth* will not only cause people to desert the Qur'ān, but that they may also somehow conceal it from them.

The details differ even more in the stories in which ʿUmar is quoted as ordering his provincial governors to "bare the Qur'ān." In order to appreciate the differences, let us compare both stories in their entirety. First, Ibn Saʿd's version:

> We were headed toward Kūfā and ʿUmar accompanied us as far as Ṣirār. Then he made ablutions, washing twice, and said: "Do you know why I have accompanied you?" We said: "Yes, we are companions of God's messenger (peace and blessings be upon him)." Then, he said: "You will be coming to the people of a town for whom the buzzing of the Qur'ān is as the buzzing of bees. Therefore, do not distract them with the *Ḥadīths*, and thus engage them. *Bare the Qur'ān and spare the narration from God's Messenger* (peace and blessings be upon him)! Go and I am your partner."[27]

Now, the story as reported by ʿAbd al-Razzāq:

> When ʿUmar ibn al-Khaṭṭāb dispatched his provincial governors he stipulated: "Do not ride a workhorse; do not eat marrow; do not wear delicate clothing; do not bolt your doors against the needs of the people; and if you do any of these things, punishment will unquestionably befall you." Then he accompanied them, and when he intended to return, he said: "I have not given you authority over the blood of Muslims, nor over their reputations, nor over their property; but I have sent you to establish *Ṣalāt* with them, and to divide their booty and judge among them fairly. Then, if anything is unclear to them, refer them to me. Indeed, do not beat the Arabs, so as to humiliate them, and do not detain them [the army at the frontier] so as to cause them strife, and do not exalt yourselves over them so as to dispossess them; *bare the Qur'ān and spare the narration from the God's Messenger* (peace and blessings be upon him)! Go and I am your partner."[28]

The earlier story related by ʿAbd al-Razzāq is somewhat longer than the later story, containing a broad variety of orders. It is a list of commands and prohibitions that includes the command to "bare the Qur'ān and spare the narration from God's Messenger." However, the later story recorded by Ibn Saʿd does not contain any of the other orders found in the early version. Instead, it focuses on this particular order and includes detailed reasoning, in lyrical wording, on ʿUmar's part: "You will be coming to the people of a town for whom the buzzing of the Qur'ān is as the buzzing of bees. Therefore, do not distract them with the Ḥadīth . . ." The comparison of the recitation of the Qur'ān to the buzzing of bees suggests that the people are constantly occupied with the Qur'ān. The *Ḥadīth* are portrayed as something that may take their attention away from the Qur'ān. The idea that the *Ḥadīth* will distract people from the Qur'ān is central to the arguments against the *Ḥadīth* that we will see later in Al-Khaṭīb al-Baghdādī's *Taqyīd al-ʿIlm*, and in the modern arguments.

The increasing detail and elaboration that are evident in the stories reported about ʿUmar from ʿAbd al-Razzāq's *Muṣannaf* and Ibn Saʿd's *Ṭabaqāt* in the early and mid-third century AH, to al-Baghdādī's *Taqyīd al-ʿIlm* in the mid-fifth century AH suggests that as the *Ḥadīth* gained greater authority and attention, those who opposed that authority developed and refined their own arguments.

ʿUmar also figures prominently in a story found in the canonical collections of the *Ḥadīth*. That story relates an incident that took place

during the Prophet Muḥammad's final illness. Several versions are recorded in the *Ṣaḥīḥs* of al-Bukhārī and Muslim, as well as in the *Musnad* of Aḥmad. In each version the central details of the story are the same: during Muḥammad's final illness, he requests writing materials so that he can write something for the people to insure that they will not go astray. Seeing that fever had overcome the Prophet, 'Umar is quoted as saying: "They have the Qur'ān, and the Book of God is enough for us."[29] These stories reinforce the idea that the Qur'ān is enough to keep the people from going astray. Furthermore, they move 'Umar's reported opposition to a written source other than the Qur'ān—even from the hand of the Prophet himself—back to the lifetime of the Prophet. Attributing the Prophet's desire to write something (presumably other than the Qur'ān) that would keep people from going astray to his being overcome by fever implies that if he had been in control of his faculties, he would not have wanted to do this. As with the stories reported by Ibn Sa'd, it can be argued that these stories represent 'Umar's personal opinion, particularly since they also state that there was strong disagreement among the companions who were present at the time.[30] However, here too, even if this is understood as 'Umar's personal opinion, the primary concern attributed to him is clear. He feels so strongly that the Qur'ān is sufficient as an authoritative source of guidance that he refuses the Prophet's request for writing materials, reminding the Prophet that the people have the Qur'an and that it is enough.

Probing the stories of 'Umar's response to the Prophet's request, Kern says:

> With 'Umar's declaration that the Book of God was "sufficient," however, not only was Muhammad's importance for interpreting the revelation lessened, but the notion of his superiority in religious matters was also set aside henceforth, according to 'Umar's interpretation, the Book of God in itself would be entirely adequate . . . 'Umar's declaration that the Book of God was sufficient changed the conception of what the revelation was, however, just as much as it altered the conception of the Prophet's role.[31]

The change to which Kern is referring is a shift from "on-going, unpredictable, situation-specific revelation" to "a totality of eternally perfect revelation, or more precisely, *the* Revelation."[32] Once again, Kern's assessment helps to make clear why 'Umar is the ideal figure to find at the center of the disputes over the authority of the *Ḥadīth*. The nature of revelation and the role of the Prophet are at the heart of those disputes.

The Prophet's Reported Prohibition

It is not only 'Umar who is credited with prohibiting the writing of extra-Qur'ānic materials from the Prophet. In addition to the stories of 'Umar's objection, the canonical collections of *Ḥadīth* also report a direct command from the Prophet prohibiting his followers from writing down anything on his authority other than the Qur'ān and ordering those who had done so to erase what they had written. This particular report is narrated seven times in three collections, with only minor variations in textual content, by several different chains of transmitters on the authority of Abū Sa'īd al-Khudrī.[33] According to Azmi, only one chain of transmitters is considered sound (*Ṣaḥīḥ*) according to classical Muslim standards of *Ḥadīth* criticism.[34] With the exception of the report in Muslim's *Ṣaḥīḥ*, the different versions are identical apart from different Arabic words meaning "except." Because proponents of the *Ḥadīth* wrote the classical works that have come down to us, it is difficult to ascertain how important the prophet's reported prohibition was to the arguments of their opponents. However, the controversy fueled by these reports has been addressed from the third/ninth century to the present in the works of a wide variety of scholars. The existence of equally sound reports in which the Prophet permits writing is the basis of one of the most frequent responses offered by proponents of *Ḥadīth*—that the prohibition of writing *Ḥadīth* was later abrogated by a statement of permission to do so.[35] Together with the reports relating 'Umar's opposition to the transmission and recording of the *Ḥadīth*, these reports from the Prophet have fueled both the classical and modern discussion over the legitimacy of the *Ḥadīth* as an authoritative source of religious guidance for Muslims.

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CHAPTER TWO

Al-Shāfiʿī and Ibn Qutayba: Prophetic Reports as Revelation

Al-Shāfiʿī and the Question of *Ḥadīth*

Muḥammad ibn Idrīs al-Shāfiʿī (d. 204/820) holds an important place in the history of Islamic doctrine and law. But perhaps his most important contribution is the doctrine he is said to have articulated regarding the *Ḥadīth*, for it is the arguments attributed to al-Shāfiʿī that laid the foundations that eventually established the *Ḥadīth* as the second revelatory source of law and guidance for the vast majority of Muslims. Both Muslim and non-Muslim scholars of Islamic history and law have recognized his contributions and praised his accomplishments. According to tradition, he is considered to be the eponymous founder of one of the four surviving Sunnī schools of law, and has been called the "master architect" of Islamic legal theory.[1] Wael Hallaq has demonstrated that this image of al-Shāfiʿī is a creation of later generations rather than a status he enjoyed during his lifetime.[2] At the same time, Hallaq recognizes that al-Shāfiʿī's main concern and his great achievement was in establishing the importance of the *Ḥadīth* as an indispensable source of law.[3] The earliest and most important extant works intended to establish the authority of the *Ḥadīth* are *Kitāb Jimāʿal-ʿIlm* and the *Risāla*. These two works have traditionally been attributed to al-Shāfiʿī. During al-Shāfiʿī's lifetime, the major collections of *Ḥadīth* had yet to be compiled. However, reports about the Prophet and his companions were clearly in circulation. A close examination of the relevant portions of *Kitāb Jimāʿal-ʿIlm* and the *Risāla* will reveal

what al-Shāfiʿī considered to be the most important points relating to the issue of the authority of the *Ḥadīth* and also offer some insight into the views of his opponents.

In his *The Origins of Muhammadan Jurisprudence*, Joseph Schacht proposes a chronology of al-Shāfiʿī's works that places the writing of the *Risāla* before that of *Kitāb Jimāʿal-ʿIlm*, which he refers to as *Treatise IV*.[4] Norman Calder has argued for a radical redating of both the *Risāla* and *Kitāb al-Umm* (in which we find *Kitāb Jimāʿal-ʿIlm*). Calder suggests that both works were produced by adherents of the Shāfiʿī school in the late third/ninth or early fourth/tenth centuries.[5] Although Calder disagrees with the traditionally accepted dating and authorship of the *Risāla* and *Kitāb al-Umm*, he accepts that "the Shāfiʿī school was ahead of other schools in devising hermeneutic arguments that would assure the accommodation of the law to a growing set of Prophetic hadith."[6] Thus, while he disagrees with the traditionally accepted dating and authorship of these works, he does not disagree with their importance in relation to the authority of the *Ḥadīth*. Joseph Lowry has since offered compelling evidence that challenges Calder's "sensational redating"[7] and that is "broadly consistent with their traditional datings and ascriptions."[8] In spite of questions about dating and authorship, there is no question that these works are the earliest extant articulations of those arguments that eventually granted the *Ḥadīth* the status and authority of divine revelation. Both *Kitāb Jimāʿal-ʿIlm* and the *Risāla* contain a detailed discussion of the religious obligation to follow the prophet, which together with al-Shāfiʿī arguments for the duality of revelation was to become the basis for the obligation to accept Prophetic reports.

Kitāb Jimāʿal-ʿIlm presents al-Shāfiʿī's debates with those who reject Prophetic reports (*khabar/akhbār*), either in total, or in part. It is a short treatise included in volume seven of al-Shāfiʿī's *Kitāb al-Umm*. The *Risāla* is a treatise on the principles of religious jurisprudence. It is also part of *Kitāb al-Umm* but has come to us as an independent book as well. Some parts of each work are in the form of debates between al-Shāfiʿī and unidentified interlocutors, while others are presented as al-Shāfiʿī's own direct statements.

Al- Shāfiʿī is believed to have written two versions of the *Risāla*, the first while in Baghdad (194/810–198/814) and the second while in Egypt (198/814–204/820). Only the second *Risāla* has survived. *Kitāb Jimāʿal-ʿIlm* is also believed to have been written while al-Shāfiʿī was in Egypt, but there is some question as to which work was written first.

Kitāb Jimāʿal-ʿIlm

Kitāb Jimāʿal-ʿIlm is the eighth of thirteen treatises that make up the seventh volume of *Kitāb al-Umm*. Perhaps because it is one part of a collected work, it does not begin with the customary benediction praising God and invoking blessings on the Prophet that normally introduces independent works. It is relatively short and consists of an introductory paragraph that is followed by four sections:

1. *The Section Relating The Doctrine Of The Group Which Rejects All [Traditional] Reports (Bāb Ḥikāyat Qawl al-Ṭā'ifa allatī Raddat al-Akhbār Kullaha);*
2. *The Section Relating The Doctrine Of Those Who Reject Isolated Reports (Bāb Ḥikāyat Qawl man Radda Khabar al-Khāṣṣa);*
3. *An Explanation of the Ordinances of God Most High (Bayān Farā'iḍ AllāhTaʿālā);*
4. *The Section on Fasting (Bāb al-Ṣawm).*

In his 1999 University of Pennsylvania dissertation, "The legal–theoretical content of the Risāla of Muḥammad B. Idrīs al-Shāfiʿī," Joseph Lowry describes *Kitāb Jimāʿal-ʿIlm* as "a short, somewhat rambling dialogue in which a variety of topics are discussed, and in which order is difficult to discern."[9] Al-Shāfiʿī's sometimes-tortuous language and style does give this initial impression. However, a closer examination leads to a different view. While the work is indeed somewhat rambling, its order becomes easier to discern when we consider that al-Shāfiʿī's purpose in writing it is to establish both the binding scriptural authority of the *Ḥadīth* as well as their necessity in matters of religious practice and law.

In order to better appreciate al-Shāfiʿī's writing style it is important to remember that he enjoys a reputation as a master of Arabic prose who excelled in the use of language.[10] The complex use of language that typifies the Arabic prose of al-Shāfiʿī's time was a mark of erudition and eloquence, but to the modern reader it often seems loquacious and verbose. Ibn Ḥajar al-ʿAsqalānī (d. 852/1449) quotes one of al-Shāfiʿī's students as comparing al-Shāfiʿī's language to an intoxicant or enchantment and saying that they never heard an error from him. The same author also quotes al-Rabīʿ ibn Sulaymān, who transcribed and transmitted al-Shāfiʿī's works after his death, as saying:

> If you saw al-Shāfiʿī and the beauty of his explanations, you would be amazed. If he had composed these books in the Arabic that he

> used in debates with us, it would be impossible to read them because of his eloquence and recondite expressions. But he was striving to make his writing clear to the masses.[11]

Despite his efforts at clarity, al-Shāfiʿī's writing is at times complex and oratorical. This style probably served him well in debates, but his writing often defies succinct translation. The introductory paragraph of *Kitāb Jimāʿal-ʿIlm* is an example of this and typical of al-Shāfiʿī's rhetorical style.

> I have not heard anyone whom people considered knowledgeable—or who considered himself knowledgeable—dispute that God Almighty and Exalted has made following the command, and submitting to the judgment of God's Messenger (peace and blessings be upon him) obligatory, in that God Almighty and Exalted has ordained that everyone other than him [the messenger] only follow him, and that the only sayings (*qawl*) that must be adhered to in every situation are the Book of God or the Sunna of His messenger (peace and blessings be upon him). Everything other than these two is subordinate to them. Indeed, God the Most High has made accepting reports from God's messenger (peace and blessings be upon him) obligatory for us and for those before and after us. No one disputes the obligation and duty of accepting reports from God's messenger (peace and blessings be upon him), except a faction whose doctrine I will describe, if God Most High wills . . . Furthermore, the adherents of *kalām* are clearly divided about affirming the validity of reports from God's messenger (peace and blessings be upon him); some others whom the general public considers jurists are also divided about it. As for some of them, they are excessive in following blindly, making light of rational inquiry, heedlessness and hastening to gain popular authority. I will give you examples that indicate what is behind the doctrines of each group of which I am aware, if God Most High wills.[12]

As this extract indicates, refuting those who reject Prophetic reports is the main purpose of *Kitāb Jimāʿal-ʿIlm.* In the introduction al-Shāfiʿī sets the tone for the rest of the work and makes his position clear from the beginning: Knowledgeable people agree that obeying the messenger is an obligation and the majority of people understand that this entails accepting Prophetic reports. Only a minority disputes the necessity of accepting Prophetic reports and even they differ among themselves on the issue.

Al-Shāfiʿī uses the word *qawl*, meaning something that is said, to refer to "the Book of God or the Sunna of God's Messenger," declaring that one *or* the other is the only *qawl* that must be adhered to. This terminology gives the speech of the Messenger a status equal to that of the speech of God, foreshadowing what will be the centerpiece of al-Shāfiʿī's argument in support of the need to accept Prophetic reports, namely, the concept of duality of revelation.

Al-Shāfiʿī also promises to present examples rather than an exhaustive description of the positions of those who reject Prophetic reports. The information al-Shāfiʿī presents in the rest of the work and the manner in which he presents it serve more as means of showcasing his views than as a report on the views of his opponents.

In the first two sections, al-Shāfiʿī presents the examples in the form of debates between himself and an unidentified member of each group, rather than as a description of the doctrines of these groups. The debates highlight his own arguments for the necessity of accepting Prophetic reports as an authoritative source of law and guidance. In the last two sections of the work—*Explanation of the Ordinances of God the Sublime*, and *Section on Fasting*—al-Shāfiʿī discusses specific details of the obligatory religious practices of Islam, in further support of the necessity of accepting Prophetic reports. He concludes the *Section on Fasting* with a brief discussion of two *Ḥadīths*, which he does not mention elsewhere. The first is a *Ḥadīth* cited by opponents of Prophetic reports, in which the Prophet says that the people should not adhere to anything that he has allowed or prohibited because he only allows or prohibits that which has been allowed or prohibited by God. In rebuttal, al-Shāfiʿī cites a *Ḥadīth* in which the Prophet warns against those who claim to follow only the Book of God.[13] This brings the discussion back to the point at which it began. Together, all four sections represent the best and most successful arguments put forward by al-Shāfiʿī.

In the first half of the work, al-Shāfiʿī writes about two groups: those who reject all Prophetic reports and those who reject isolated reports. While al-Shāfiʿī refers to those who reject Prophetic reports as *ahl al-kalām*, he does not identify any particular group or individuals by name. Throughout *Kitāb Jimāʿal-ʿIlm*, he uses with the terms *ḥadīth* and *khabar* (pl. *akhbār*) interchangeably when referring to Prophetic reports, but most often the latter.

The first section, addressing the doctrine of those who reject all reports, opens with al-Shāfiʿī's use of the generic phrase: "*qāla lī qā'il yunsab ilā al-ʿilm bi-madhhab aṣḥābihi* . . ." (Someone considered knowledgeable in the doctrine of his school said to me . . .). It then

continues in the "*qāla . . . fa qultu . . .*" (He said . . . then, I said . . .) point–counterpoint format, a debate format common in classical Muslim literature.[14]

A similar format is used in the second section, which deals with the doctrine of those who reject particular reports from individuals with specialized knowledge (*khabar al-khāṣṣa*). The introduction to this section confirms that the debate format is indeed a literary device used to frame al-Shāfiʿī's recollections of what he considers the most important points in these discussions, rather than the record of an actual debate:

> I do not remember specific individual or group discussions, or everything that was said to me or that I answered, so that I might recount them; and I have already exerted great effort in a thorough examination of everything they presented as evidence, so I will set down some of the things I said and to whom I said them.[15]

What al-Shāfiʿī chooses to present of his opponent's views and how he chooses to present them in the first half of the work appears to serve primarily as an opportunity for him to articulate his rebuttals. The third and fourth sections then add further support with a discussion of religious practices that, according to al-Shāfiʿī, require the details provided in Prophet reports. In my investigation, I have chosen to follow the format used by al-Shāfiʿī, ascribing the arguments to al-Shāfiʿī and his opponent. Let us now examine the arguments themselves in greater detail.

Section One

Al-Shāfiʿī opens the *Section relating the doctrine of the group that rejects all reports* (traditions: *akhbār*) with this statement from a "knowledgeable" representative of that group:

> You are an Arab, and the Qur'ān was revealed in the language of your people, and you have memorized it. It contains the ordinances that God has sent down. If someone doubts even one letter that is obscure to him, you demand that he repent, and if he does not repent, you kill him. God Almighty and Exalted has said regarding the Qur'ān: *an explanation of everything* . . .[16]

Here, al-Shāfiʿī demonstrates the most important doctrinal foundations of his opponents' thinking—the absolute certainty that both sides agree believers must have in the text of the Qur'ān as God's scripture, and that

God Himself has declared that the Qur'ān explains everything. The implication seems clear: the Qur'ān explains everything and anyone who doubts that is committing a mortal sin in thinking in the way that the anonymous rejecter of *Ḥadīth* has just attributed to al-Shāfi'ī himself. Moreover, the verse cited implies the completeness and sufficiency of the Qur'ān, an idea that will clearly be attributed to 'Umar in later collections of *Ḥadīth*.

Al-Shāfi'ī follows the dramatic opening statement of his challenger with questions that the latter then asks based on the essential points in the statement. He begins by questioning the types of distinction made by al-Shāfi'ī among various Qur'ānic injunctions: How can it be permissible to claim that something God has ordained (*shayy faraḍahu Allāh*) is general ('*āmm*) in one instance, while it is particular (*khāṣṣ)* in another, or that one time the command (*al-amr*) is an obligation (*farḍ*), while another time it is merely a suggestion (*dalāla*)? The terms '*āmm, khāṣṣ, al-amr, farḍ*, and *dalāla* represent key legal concepts, which al-Shāfi'ī discusses at length later in *Jimā'al-'Ilm*, and also in the *Risāla*.[17] By using these terms, al-Shāfi'ī reveals that the concerns he ascribes to those who reject all Prophetic reports are not only doctrinal, but also expressly legal in nature. It could be argued that what al-Shāfi'ī has presented in this opening is essentially a straw-man argument, exaggerating his opponents' objections to use of *Ḥadīth* in practical and legal matters. However, such an argument is problematic because of the many indications of the existence of such objections to the *Ḥadīth* scattered throughout various sources over the centuries, up to and including the present day.

The evidence of both earlier and continuing opposition to *Ḥadīth* as a competing source of religious authority suggests that the opposition to which al-Shāfi'ī is responding in *Kitāb Jimā'al-'Ilm* was much as he has portrayed it. Earlier evidence of opposition to the use of *Ḥadīth* as a source of scriptural authority is found in a text that Muslim tradition holds to be a letter from the Kharijite 'Abd Allāh Ibn Ibāḍ to the Caliph 'Abd al-Malik in 76/695.[18] Cook disagrees with the dating and authorship of the letter, arguing for unknown authorship sometime in the mid-second/eighth century.[19] The uncertain dating and authorship of the letter does not minimize its import for the early debates over the authority of the *Ḥadīth*, however. Whether it dates from the late first/seventh century or the mid-second/eight century, it predates al-Shāfi'ī; and although the criticism of the use of *Ḥadīth* here is presented as part of an overall attack against Shī'ī beliefs and practices, rather than against their Sunnī counterparts, those criticisms demonstrate a clear objection to the

general use and authority of the *Ḥadīth*. Key portions of one passage that Cook reproduces in *Early Muslim Dogma* are particularly significant. In criticizing the Kūfans, the letter says: "*wa-kharajū min ḥukmi rabbihim wa'ttakhadhū 'l-aḥādītha dīnan, wa-zaʿamū anna ʿindahum ʿilman aṣābūhu min ghayri 'l-Qur'āni*," which Cook translates as: "They abandoned the judgment of their Lord and took *ḥadīths* for their religion; and they claim that they have obtained knowledge other than from the Koran . . ."[20] This is clearly a criticism of the use of *Ḥadīth* as an authoritative source other than the Qur'ān. The same passage also indicates that the extra-Qur'ānic source is written: "*wa-āmanū bi-Kitābin laysa mina'llāhi katabat.hu'l-rijālu bi-aydīhim (f.211b) thumma asnadūhu ilā rasūli'llāhi (ṣ)*." This Cook translates as, "They believed in a book which was not from God, written by the hands of men; they then attributed it to the Messenger of God."[21]

The works of al-Nāshi' al-Akbar and al-Malaṭī mentioned earlier, both written long after al-Shāfiʿī's time, also clearly indicate the continuing existence of groups that objected to the use of *Ḥadīth* as a source of scriptural authority in matters of religious law and practice. Therefore, while al-Shāfiʿī has carefully chosen exactly what he presents, and how he presents it, of his opponents' arguments in order to best serve his own overall aim, what he presents cannot be dismissed as a straw man.

After the opening question about the distinction between various injunctions, al-Shāfiʿī relates the issues that receive the greatest emphasis from his challenger—doubt and error. His adversary compares the strict attitude toward doubting even a single letter of the Qur'ān to the attitude toward doubt regarding the *Ḥadīth*:

> I have found that you and those who hold your opinion do not consider anyone you encounter and prefer [*qaddamtumūhu*] for his reliability and memory, nor do I consider anyone I have encountered whom you have encountered, free from erring, forgetting, or making mistakes in Ḥadīth. Instead, I have found that you say about more than one of them: "So-and-so made a mistake in such-and-such a Ḥadīth and so-and-so in such-and-such a Ḥadīth." I have also found that if a man says about a Ḥadīth by which you have made something lawful or prohibited on the basis of something known only to a few elite: "God's messenger (peace and blessings be upon him) never said that, you or whoever related it to you has made a mistake, or lied," you do not ask him to repent. You do nothing more than tell him, "You have said something pernicious."[22]

The acceptance of such serious errors and doubts regarding the *Ḥadīth* leads al-Shāfiʿī's opponent to ask if it is permissible to make distinctions among rulings of the Qur'ān on the basis of what has been heard from such reports, giving them the same standing as the Book of God in determining what is allowed and what is prohibited. Again, al-Shāfiʿī highlights his opponent's concern for the use of *Ḥadīth* in decidedly legal issues, adding an explicit reference to the status of *Ḥadīth* vis-à-vis the Qur'ān. This idea is also one that is repeatedly ascribed to ʿUmar ibn al-Khaṭṭāb in his reported objection to the transmission and recording of the *Ḥadīth*.

Al-Shāfiʿī responds to his challenger by saying that he and those who agree with him only accept credible reports from a position of certainty based on comparison. "We do not accept all of them," he says, "rather some of them are more established than others."[23]

When asked for an example, al-Shāfiʿī cites the various types of evidence that can be used to convict a man in court—his confession, evidence, his refusal to take an oath, or the swearing of an oath by his companion—each of which is stronger than the next. He then explains that there is a variety of reasons for accepting a particular type. However, he does not clarify what constitutes credible reports or how he arrives at a position of certainty regarding them. Al-Shāfiʿī's response does not satisfy the questioner, who reiterates his primary concern, asking al-Shāfiʿī what he would offer as evidence against one who rejects *Ḥadīth* because of the previously mentioned problems of error and doubt, and if it is possible to establish a position of certainty where there is none.

Al-Shāfiʿī declares that for one who knows the language of God's Book and His rulings (*aḥkām*), that knowledge will lead him to accept Prophetic reports from trustworthy people. The determining factor, according to al-Shāfiʿī, is the position of God's Messenger. His opponent still seems unsatisfied and presses al-Shāfiʿī to provide examples that would make his arguments clearer and stronger against those who disagree with him and that might cause them to renounce their opinion in favor of his.[24]

In spite of his adversary's persistence, al-Shāfiʿī continues to bypass the questions of error and uncertainty for the time being. Instead, he turns to something his challenger has already said in support of his own position, but which al-Shāfiʿī thinks his opponent has still ignored: that it is not appropriate to be careless with any of the commands of the faith. In this way, al-Shāfiʿī sets the stage for his theological arguments for the authority of the *Ḥadīth*. These arguments depend on two ideas: obedience to the Prophet, and the concept of two forms of revelation.

Al-Shāfiʿī begins by building his case for the latter—two forms of revelation—which is what will eventually lead to defining the former, obedience to the Prophet, as accepting Prophetic reports in addition to the Qur'ān. His arguments laid the theological groundwork for establishing the sacred authority of the *Ḥadīth*. Al-Shāfiʿī begins building the first part of his argument by citing verse 62:2 from the Qur'ān: "It is He who has sent amongst the unlettered a Messenger from among them, to rehearse to them His Signs, to sanctify them, and to instruct them in the Book and Wisdom, although they had previously been in manifest error." With this verse, al-Shāfiʿī opens his discussion on the nature of revelation, using it to introduce the idea of two types of revelation received and preached by the Prophet. The crucial question, which al-Shāfiʿī attributes to his opponent, is: "We already know that 'the Book' is the Book of God. But what is 'the Wisdom'?"[25] Al-Shāfiʿī responds that it is the Sunna of God's Messenger. His opponent then asks: "Is it possible that he is teaching them the Book in general, and the Wisdom in particular, and that is its rulings?"[26] Al-Shāfiʿī then reiterates that it means the Messenger's Sunna and what the Messenger explained regarding the obligations of prayer, charity, fasting, and so on that God ordained in general in His Book. When his opponent concedes that this is possible, al-Shāfiʿī asserts that one can only arrive at this position through accepting Prophetic reports.

The challenger then asks: "And what if I am of the opinion that it is reiteration of the Word *(takrīr al-kalām)*?" Al-Shāfiʿī responds by asking his opponent if he thinks that since the Book and the Wisdom are mentioned they are two things or one. To this, his opponent replies: "It is possible that it is as you have described, Book and Sunna, then they are two things. But it is possible that they are one thing."

Al-Shāfiʿī declares that the most obvious answer is the former, and he asserts that the Qur'ān contains evidence supporting his position and contradicting the idea that the Book and the Wisdom are one, citing verse 33:34: "And remember what is recited to you in your homes of the verses of God and the Wisdom: for God understands the finest mysteries and is well acquainted [with them]."[27]

Al-Shāfiʿī asserts that this verse shows there were two different things recited in the houses of the Prophet's wives—the Qur'ān and the Wisdom. When his opponent asks him how the Wisdom was recited, al-Shāfiʿī says that the recitation must mean what Muḥammad uttered of the Qur'ān and also what he uttered of the Sunna. Without further explanation of how this is, al-Shāfiʿī quotes his opponent as saying that it is clear that the Wisdom is something other than the Qur'ān.

Now that he has made the point that the Wisdom referred to in the verses cited means something other than the Qur'ān, al-Shāfi'ī moves on to develop the second part of his argument in support of the acceptance and use of *Ḥadīth*: obedience to the Prophet. He cites several of the Qur'ānic verses that order such obedience.[28]

His disputant then asks him what the most appropriate response is to those who claim that the Wisdom is found only in what God has revealed (i.e., the Qur'ān), so that whoever submits to that is obeying the Messenger. Al-Shāfi'ī answers by citing part of a Qur'ānic verse "take what the Messenger gives you, and deny yourselves that which he forbids you."[29]

By arranging the reported discussion in this way, Al-Shāfi'ī makes a clear connection between the issue of Wisdom as a second form of revelation other than the Qur'ān and the issue of obedience to the Prophet. Al-Shāfi'ī's challenger then agrees that accepting the command of God's Messenger is an obligation.

Having successfully made this point, al-Shāfi'ī poses another question to his adversary: "Is the obligation on us the same on those before us and after us?" When he answers "yes," al-Shāfi'ī asks how anyone who did not see God's Messenger can carry out His command to obey the Messenger except through Prophetic reports.[30]

Up to this point, al-Shāfi'ī has relied primarily on interpretation of Qur'ānic verses to convince his adversary of the obligation to accept the authority of the *Ḥadīth*. The interpretation of *ḥikma* as *Sunna* is central to al-Shāfi'ī's argument. In examining Qur'ān commentaries that predate or are contemporary with al-Shāfi'ī in his work in the *Risāla*, where he presents the same line of argument, Lowry finds that with the exception of 'Abd al-Razzāq's commentary on 33:34, no one interprets the word *ḥikma* as *sunna*. My own investigation of early Qur'ān commentaries reveals much the same thing. However, the commentary of Hūd ibn Muḥakkam does address the question of *ḥikma* and *sunna*. Hūd ibn Muḥakkam was a Khārijite commentator who lived during the middle or late third/ninth century.[31] Commenting on verses such as 62:2, which mention "the Book and the Wisdom," he says: "Some of them say the Book is the Qur'ān and the Wisdom is the Sunna."[32] The wording that ibn Muḥakkam uses suggests that there was disagreement about the interpretation of *ḥikma* as *sunna* in the generations following al-Shāfi'ī. This, together with the paucity of earlier evidence for that idea, suggests that it was not a common interpretation before al-Shāfi'ī's careful and forceful articulation. The situation is much the same in the case of verse 59:7, which al-Shāfi'ī portrays as the decisive evidence that

convinced his adversary of the need to accept the authority of *Ḥadīth*, even though he had previously rejected all *Ḥadīth* because of potentially serious doubt and error. The key portion of the verse, which al-Shāfiʿī cited, is "*wa mā ātākum al-rasūl fa-khudhūhu wa mānahākum ʿanhu fantahū*" (Take what the Messenger gives you, and deny yourselves that which he forbids you). This phrase actually appears near the end of the verse. Before looking at the early commentaries, it is important to consider the entire verse:

> Whatever God has restored to His Messenger from the people of the towns is for God and the Messenger, and for the relatives, the orphans, the needy and the wayfarer, so that it will not be circulating among those of you who are wealthy; and take whatever the Messenger gives you, and deny yourselves whatever he forbids you, and be wary of God; surely God is severe in reprisal.[33]

As with the *ḥikma* verses, the majority of early commentators are silent on 59:7. However, there are three notable exceptions: al-Shāfiʿī's contemporaries, al-Farrā' (d. 207) and ʿAbd al-Razzāq (d. 211), and Hūd ibn Muḥakkam. The first of these, Abū Zakariyā' Yaḥā ibn Ziyād al-Farrā', deals with the phrase that al-Shāfiʿī has adduced; however, he interprets it as referring to the immediately preceding phrase: "so that it will not be circulating among those of you who are rich," explaining that "and take whatever the Messenger gives you, and deny yourselves whatever he forbids you" is a command given to the wealthy.[34]

The second commentator ʿAbd al-Razzāq al-Ṣanʿānī does not comment on the phrase adduced by al-Shāfiʿī. Instead, he focuses first on the opening phrase of the verse—"Whatever God has restored to His Messenger from the people of the towns is for God and the Messenger"—linking it to 8:41, which deals with the spoils of war, and further explaining that it also refers to the *jizya* (a tax on people of the Book) and the *kharāj* (land tax) collected from the people of the towns.[35] Thus, neither of those of al-Shāfiʿī's contemporaries who comment on 59:7 offers an interpretation that suggests that of al-Shāfiʿī.

However, even more interesting is Hūd ibn Muḥakkam's commentary, which differs from those of al-Shāfiʿī's two contemporaries. He begins by acknowledging that part of the verse used by al-Shāfiʿī to support the obligation of accepting *Ḥadīth* was revealed in reference to spoils of war, but that it later came to refer to the totality of religion (*ṣārat baʿdu jamīʿ al-dīn*). He then goes on to cite nine *Ḥadīth* in support of that interpretation. What is most noteworthy is that ibn Muḥakkam begins his citation of each of

these *Ḥadīth*, not with one of the standard expressions such as *ḥaddathanā* (he related to us) or *akhbaranā* (he informed us), but with *dhakarū ʿan* (they mention on the authority of . . .). The absence of the first-person object of the verb suggests that the commentator is distancing himself from the opinions related in the traditions that he is citing. Also, as in the case of his comments on the interpretation of *ḥikma* as *sunna*, it indicates that there was still at least some measure of disagreement about the interpretation of 59:7 for some time after al-Shāfiʿī's insistence that the verse proves that obeying the Messenger requires more than following the Qur'ān. If this idea and the interpretation of *ḥikma* as s*unna* did not originate with al-Shāfiʿī, he seems to be the first to have articulated these ideas with a degree of clarity and success.

Having thus laid out his primary doctrinal arguments, al-Shāfiʿī then goes on to illustrate further the need for Prophetic reports in addition to the Qur'ān with examples of what he considers abrogating and abrogated verses in the Qur'ān. These verses require clarification, and for al-Shāfiʿī, such clarification must come from Prophetic reports. This finally convinces his opponent that accepting Prophetic reports is incumbent on Muslims and that he must give up his previous position in favor of that of al-Shāfiʿī.

It is only after he has convinced his challenger that the obligation to obey the Messenger requires accepting Prophetic reports that al-Shāfiʿī turns to other points raised by his rival in the beginning of the debate: the issue of the general versus the particular regarding commands of God and the question of certainty. In turning to these issues, al-Shāfiʿī touches on a specific area of legal theory. To demonstrate the validity of the concept of the general and the specific, al-Shāfiʿī cites Qur'ānic verses that contain both that which is general and that which is specific, among them 49:13:

> O people! We created you from a male and a female, and made you into nations and tribes, that you may know each other. Verily the most honored of you in the sight of God is the most righteous of you. And God has full Knowledge and is well acquainted [with all things].

He explains that the first sentence is a general statement with a general meaning, as every person has been created from a male and a female. Then, there is something particular in it, in the statement "Verily the most honored of you in the sight of God is the most righteous of you."[36] What is particular, in this case, righteousness, applies to some people and not to others. His now former contender then asks al-Shāfiʿī to explain

something general for which there is nothing in the Book to indicate its particulars. This is where al-Shāfiʿī begins building the practical and legal aspects of his arguments for the authority of the *Ḥadīth*. Al-Shāfiʿī points out that the various religious duties such as prayer and charity are commanded in the Qur'ān, while the particular rules for them are not. He asks his opponent where the particular rules are found. The answer, of course, is the Sunna, because there is no text in the Qur'ān.

This issue—of how to implement specific religious duties and practices—will turn out to be the strongest and most persistent criticism of those who reject Prophetic reports. Al-Shāfiʿī presents it as a point raised by his opponent.

His adversary first emphasizes that he only held an opinion contrary to what al-Shāfiʿī has articulated until the error of those who hold it became clear to him. He then mentions two groups: one that does not accept Prophetic reports because the Qur'ān is clear, and the other that accepts reports that are in agreement with the Qur'ān. At al-Shāfiʿī's request, his rival describes the serious issues that stem from rejection of Prophetic reports:

> It leads to from one serious issue to another. Then he said: Whoever does [only] what required him [in the Qur'ān] as *ṣalāt* and gives the minimum as *zakāt* has performed his duty. There is no established time for that, whether he prays two *rakʿat every* day, or he said, every few days. Moreover, he says, "Whatever is not in the Book of God is not required of anyone."[37]

After highlighting the issue of religious practices, al-Shāfiʿī returns to the questions of error and uncertainty that his opponent had stressed in the beginning of the discussion. However, instead of answering the questions raised by his adversary regarding error and uncertainty, al-Shāfiʿī calls into question his former rival's own standards on these issues. To do so, he uses a hypothetical legal situation. It is not just any legal situation, but the most serious possible—a capital crime:

> "I said: 'what do you say about this man next to me? Is his blood and property sacrosanct?'"
>
> "He said: 'Yes.'"
>
> "I said: 'And if two eyewitnesses testify that he killed a man and took his property and that it is this, which is in his hand?'"
>
> "He said: 'I would kill him in retaliation and give the property that is in his hand to the heirs of the victim.'"

"I said: 'Even though it is possible that the two eyewitnesses testified deceitfully or erroneously?'"

"He said: 'Yes.'"

"I said: 'How can you permit [taking] sacrosanct blood and property with certainty, on the basis of two eyewitnesses about whom there is not certainty?'"

"He said: 'I have been commanded to accept eyewitness testimony.'"

"I said: 'Do you find a text in the Book of God the Exalted [saying] that you are to accept eyewitness testimony about killing?'"

"He said: 'No, but by way of deduction. I have only been commanded it according to intrinsic meaning (*bi maʿnā*).'"[38]

Al-Shāfiʿī then asks about various other possible understandings that the intrinsic meaning of God's Book may allow. He reports his challenger's response as follows: "The evidence for this is that if the Muslims have agreed that killing requires two eyewitnesses, then we hold that the Book carries the meaning upon which they agree and that they will not collectively err in the meaning of God's Book, even if some of them err."[39]

Here, al-Shāfiʿī portrays his opponent as someone who applies a double standard of certainty where certainty is concerned, challenging the acceptance of Prophetic reports on the basis of certainty, yet accepting uncertain testimony under the most serious of circumstances. The argument implies that if potential errors and uncertainty are not used to challenge the reliability of eyewitness testimony, they should not be used to challenge the reliability of Prophetic reports. What al-Shāfiʿī has not done is confront and refute the problems of error and uncertainty in the *Ḥadīth*.

Al-Shāfiʿī then compares the standards for accepting an eyewitness with the standards for accepting a transmitter of *Ḥadīth* (*muḥaddith*), saying:

> If you have been commanded to do that based on the reliability of the two eyewitnesses, according to what is readily apparent, then you accept them according to what is readily apparent, and only God knows the unseen. But we demand more regarding the *muḥaddith* than we do regarding the eyewitness, for we allow the eyewitness testimony of people from whom we would not accept even a single Ḥadīth. We find indications of the reliability or errancy of the *muḥaddith* with those who share [such qualities] with him among those who have memorized the Book and the Sunna. This is not possible in the case of eyewitnesses.[40]

Al-Shāfiʿī does not explain, nor does he quote his interlocutor as asking why the reliability or proneness to error of an eyewitness cannot be checked in a similar manner to that al-Shāfiʿī describes in relation to a transmitter of *Ḥadīth*. It is unclear why he asserts that it is not possible in the case of eyewitness testimony (*lā yumkin hādha fī al-shahādāt*). Perhaps he means that not all eyewitnesses have character witnesses who can vouch for them. Instead of clarifying this point, al-Shāfiʿī has his questioner return to several of the issues raised earlier that he has yet to address: the discrepancy in accepting some reports at one time, while rejecting similar reports at other times, along with the problems of errors and contradictions in the reports themselves. Of these, al-Shāfiʿī says[41]: "In what we have said here and in the book before this, there is evidence against them and others."[42]

Here, in addition to providing a legal aspect to his arguments for the indispensable authority of the *Ḥadīth*, al-Shāfiʿī also introduces the next facet of his argument in support of such authority. In the exchange about the intrinsic meanings possible in the Qur'ān, al-Shāfiʿī has portrayed his opponent as a blind follower of consensus who says: "We hold that the Book carries the meaning upon which they [the Muslims] agree and that they will not collectively err in the meaning of God's Book, even if some of them err."[43]

This is where al-Shāfiʿī concludes the arguments regarding the obligation to accept Prophetic reports, namely, with his now former adversary's reiteration that he has accepted from al-Shāfiʿī that he must accept such reports. After some discussion of what al-Shāfiʿī considers other valid sources of law and judgment, he turns his attention to the views of those who reject the reports of isolated individuals with specialized knowledge. In this section, al-Shāfiʿī further develops the arguments against consensus that he introduced in the previous section.

Section Two

In the previous section, al-Shāfiʿī was arguing for the scriptural authority of the Prophetic Sunna as a form of divine inspiration, for the necessity of accepting Prophetic reports, and against those who rejected Prophetic reports completely. To accomplish this he asserted that the word *ḥikma* used in the Qur'ān refers to the Prophetic Sunna as a form of revelation parallel and complementary to the Qur'ān. Furthermore, he stressed the believer's obligation to obey the Messenger and linked this with the acceptance of Prophetic reports, based on what appears at the time to have been an uncommon, if not novel, interpretation of Qur'ān 59:7.

He then went on to illustrate how Prophetic reports are necessary as a source of guidance in both religious practice and in legal matters. In section two, al-Shāfiʿī's opponents agree that accepting Prophetic reports is incumbent on Muslims, but they reject any report transmitted by only one transmitter in any one link of the *isnād*: in other words, any *khabar al-khāṣṣa*. The word *al-khāṣṣa* can have somewhat different meanings, depending on the context in which it is used. I have translated it in the title of this section as "isolated" because this is how al-Shāfiʿī portrays his opponent's understanding, saying: "ignorance, according to you, is the acceptance of *khabar al-infirād*" (lit. *isolated report*).[44]

Al-Shāfiʿī summarizes his opponents' position:

> In summary, their doctrine is that no judge or *muftī* (one entitled to render a religious opinion) is allowed to render an opinion or judgment except from a position of certainty. Certainty is whatever he knows to be true in its apparent aspects and its hidden aspects, about which he calls God as a witness. That is, the Book, the agreed-upon Sunna, and whatever the people agree on and about which they are not divided . . . For example, that *al-Ẓuhr* (the noontime prayer) is four [units].[45]

As with those who rejected all Prophetic reports, here too, the main issue raised by al-Shāfiʿī's adversary is the question of certainty. Both groups also rely heavily on consensus in some form in order to interpret the Qur'ān and render legal judgments. However, those who reject isolated reports recognize an agreed-upon sunna that is valid and binding. For them, consensus also determines which Prophetic reports are accepted as valid and binding. In his discussion with the rejecter of all Prophetic reports, al-Shāfiʿī challenges his adversary's certainty where the reliability of eyewitness testimony is concerned. Al-Shāfiʿī's challenge is meant to undermine his adversary's assertion that lack of certainty is a valid basis for rejecting Prophetic reports. Here, in his arguments against an opponent who rejects isolated reports, al-Shāfiʿī challenges the notion of consensus in the same manner.

Al-Shāfiʿī begins his arguments and highlights another aspect of the term *al-khāṣṣa* by drawing a sharp distinction between the knowledge of the general public (*ʿilm al-ʿāmma*) and that of isolated individuals with specialized knowledge (*ʿilm al-khāṣṣa*). The first, according to al-Shāfiʿī, is that which every Muslim knows, such as the number of prayers and other religious duties. The second (i.e., the knowledge of individuals with specialized knowledge) is that of the companions of Muḥammad

and their successors. By designating Muḥammad's companions and their successors as those who possess such specialized knowledge, he grants the opinions attributed to them in *Ḥadīth* interpretive authority above that of judges and scholars. Al-Shāfiʿī also links such specialized knowledge with the use of *qiyās* (analogical deduction): "Their opinions differ greatly regarding that for which there is no proof text by which they can interpret something; and if they resort to *qiyās*, *qiyās* permits disagreement."[46]

Al-Shāfiʿī then presents his adversary's view of the various types of knowledge. These include that which is transmitted by the general public on the authority of the general public, such as the obligatory religious practices; that on which the Muslims agree and on which they report agreement in previous generations; the specialized knowledge of isolated individuals; and finally *qiyās*. The second of these includes what al-Shāfiʿī's opponent calls "the agreed-upon sunna" of the community on issues for which there is nothing in the Qur'ān or the Sunna of the Prophet. "That is to say," he explains, "their consensus is not a matter of opinion, because there is division in opinions."

Regarding the specialized knowledge of isolated individuals he says: "Proof is not established on the basis of the specialized knowledge of isolated individuals unless its transmission is completely safe from error." He also argues that *qiyās* can be applied only when all aspects of the properties and relations of two things are equivalent and that division such as al-Shāfiʿī describes is not permitted. "Consensus," he says, "is proof for everything because there is no possibility of error in it."[47]

Al-Shāfiʿī asks his opponent if the second of these—consensus—is not the same knowledge of the general public he had described, which every sane, adult Muslim, both scholar and non-scholar alike, knows and about which there is no doubt, such as the number of prayers. His adversary asserts that it is not the same thing. The consensus he is talking about is the consensus of scholars that those without knowledge are required to follow, because proof is established based on their agreement. However, if they are divided, then no such proof is established. He further asserts that they only agree on the basis of binding reports and that if they are divided, whether or not they related a report on which some of them agree, he will accept only those reports on which there is agreement. Because if there is division as to the acceptance of a report, there is a possibility of error in it and proof is not established, according to al-Shāfiʿī's opponent, in any matter where there may be error.[48] This attitude is similar to that of al-Shāfiʿī's adversary in the previous section, and al-Shāfiʿī objects to it strongly: "This is authorizing

the invalidation of [Prophetic] reports and the confirmation of consensus, because you claim that their consensus constitutes proof whether or not there is a [Prophetic] report regarding it, while their division does not provide proof, whether or not there is a [Prophetic] report regarding it."[49]

He then challenges his adversary: "Who are those knowledgeable people, whose consensus constitutes proof?" To which his adversary responds: "They are those whom the people of a country appoint as religious legal scholars, whose opinions they appreciate, and whose judgment they accept."

Al-Shāfiʿī continues his criticism of consensus and begins to develop his argument by repeatedly and intensely questioning his: "Do you think that if there are ten and one of them is absent, or present but not speaking, that the agreement of nine constitutes proof?"

> "If I were to say, 'No.'?"
>
> "What if one of them died or lost his mind? Can nine render an opinion?"
>
> "If I were to say, 'Yes.'?"
>
> "Likewise, if five of them died, or nine? Can one render an opinion?"
>
> "If I were to say, 'No.'?"
>
> "In whatever you say there is contradiction."
>
> At this point, al-Shāfiʿī's opponent declares: "Enough of this!"[50]

Having frustrated his adversary on the question as to how many scholars must agree to constitute consensus, al-Shāfiʿī continues his criticism of consensus by bringing up an issue on which Muslim scholars disagree, whether or not a Muslim may simply wipe over his shoes in washing for prayer. His opponent asserts that one should not do so because when there is disagreement, he should go back to the basic principle and that is ablution. "Do you say the same about everything?" al-Shāfiʿī asks. When he replies in the affirmative, al-Shāfiʿī brings up another issue on which there is disagreement: "What about the mature adulterer? Would you stone him?" When he again replies in the affirmative, al-Shāfiʿī asks him how he can stone him when there are scholars who claim that he should be whipped on the basis of the command in Qurʾān 24:2: "The woman and the man guilty of adultery whip each of them a hundred lashes; let not compassion move you in their case, in a matter prescribed by God, if you believe in God and the Last Day: and let a party of the believers witness their punishment."

"How can you stone him," he asks, "instead of going back to the basic principle that his blood is sacrosanct unless they agree that [shedding] it is lawful?"[51]

His rival now asserts that he looks upon the opinion of "the majority" of scholars as proof, and not to that of "the minority." Al-Shāfiʿī asks him to define the minority and the majority. However, he insists that he is not able to define them. This leads al-Shāfiʿī to say: "It seems that you want to make this doctrine absolutely undefined. Therefore, when you accept an opinion about which there is disagreement you say it is according to the majority. But if you want to reject an opinion, you say: 'They are the minority.'"[52]

Just as al-Shāfiʿī has portrayed his opponent in the previous discussion as someone who applies a double standard where certainty is concerned, here he accuses his opponent of the same thing regarding consensus. Thus, in both sections he attempts to undermine the positions of his adversaries on both the general principles of certainty and consensus, by highlighting their own faulty adherence to these principles.

There is a significant difference in how al-Shāfiʿī proceeds in this latter discussion, however. In the previous discussion, al-Shāfiʿī portrays his opponent as more persistent in pressing the issues of doubt and error, which al-Shāfiʿī bypassed until later in the discussion. In this latter discussion, however, he seems to switch roles. Although he indicates that he has thoroughly frustrated his opponent on the issue of consensus, he continues this line of argument at great length before turning to the topic of accepting isolated Prophetic reports. In both cases, al-Shāfiʿī is using the positions of his adversaries as a platform for articulating his own positions. He has structured each section to emphasize his most important points. Here, al-Shāfiʿī is seeking to undermine consensus as a basis of decision-making by highlighting the confusion that exists over the nature of the very idea "consensus." If there is no agreement on exactly what constitutes consensus, how can it be used as a basis for making decisions about which Prophetic reports to accept and which to reject?

After dealing with the question of consensus, al-Shāfiʿī finally turns to the issue of isolated reports, asking his antagonist: "By what do you consider the Sunna of God's Messenger, peace and blessing be upon him, to be confirmed?"[53]

His rival answers that the Sunna of God's Messenger is confirmed in one of three ways:

1. a report transmitted by the general public on the authority of the general public;

2. the uninterrupted multiple transmission of a report (*tawātur al-khabar*)[54];
3. when a single individual companion relates a ruling on the authority of God's Messenger on which no one is known to have disagreed with him.

An absence of disagreement, according to al-Shāfiʿī's opponent, indicates consensus. Al-Shāfiʿī has no objection to the first of these, which is the same as the first category of knowledge described by his opponent at the beginning of their discussion. It is the second and third means of confirming that something is Sunna that concern al-Shāfiʿī.

He challenges his adversary to define the minimum standard by which *tawātur* confirms the validity of a Prophetic report. He explains that if, for example, four individuals in different places relate a single story on the authority of the Prophet that each learned from a different source, and if their stories agree, there is no possibility of error. Al-Shāfiʿī seeks clarification of his opponent's position by asking if the four must be from different places in order for a report to have sufficient frequency of repetition. "Yes," his opponent replies, "because if they were in one place, it would be possible for them to conspire in the matter of the report. But that would not be possible if they were in different countries."

Al-Shāfiʿī is shocked by this statement, which he sees as an insult to those considered leaders in the religion, in both the earlier and later generations. Is his opponent impugning the reputations of every trustworthy transmitter of a report, each of whom established the validity of the report on the basis of the merit of the transmitter before him all the way back to the companions of the Prophet? For this, he says, "is the method with which you find fault." When his opponent claims that this is not what he has said, al-Shāfiʿī tells him that his only recourse is evasion or withdrawal.[55] Once more, he has portrayed his adversary as inconsistent, even hypocritical in the views he uses to accept or reject Prophetic reports. Once more, his opponent declares in frustration: "Enough of this!"[56]

Turning to the third means that his opponent wants to use for the validation of Prophetic reports gives al-Shāfiʿī the opportunity to present even more arguments against the idea of consensus on any but the most basic issues. He stresses the differences of opinion found in all areas of the Muslim world, from the time of the Prophet's companions until his own day. These arguments take up the rest of this section of the work.[57]

Al-Shāfiʿī ends this section by saying:

> Until today, judges and *muftis* differ in some of the judgments and religious opinions they render; and they do not render judgments and religious opinions except according to what they think is permitted to them. In your view, this is consensus. How can there be consensus when there are differences in what they do? God knows best.[58]

Although al-Shāfiʿī recounts this latter opponent's frustration several times throughout the discussions, he does not report convincing him to give up his position in favor of that of al-Shāfiʿī, as he did with the previous opponent. However, unlike the previous opponent, this one already agrees with al-Shāfiʿī on the need to accept at least those Prophetic reports on which there is consensus among Muslims. What this adversary rejects is isolated reports on which he does not find consensus among Muslims.

Just as he did with his previous opponent, al-Shāfiʿī calls into question the validity, the consistency, and even the sincerity of the grounds on which this opponent rejects isolated reports. In both cases, al-Shāfiʿī's taking the offensive in this way proves much less effective than his use of Qur'ānic arguments. Using the Qur'ān appeals to the ultimate source of authority that both al-Shāfiʿī and his adversaries recognize. However, al-Shāfiʿī has no Qur'ānic arguments that he can bring to bear on the issue of consensus. Therefore, he must challenge the very issue of consensus itself. Failing to address issues such as doubt, error, certainty, and consensus weakens the logic of al-Shāfiʿī's arguments by begging key questions that his adversaries have raised on these issues; nevertheless, calling into question the sincerity and even the consistency of his opponents' arguments is in keeping with the developing standards of a trustworthiness that will prove crucial to the *isnād* system, by which *Ḥadīth* authenticity will eventually come to be judged.

Sections Three and Four

The remaining sections, *Explanation of the Ordinances of God the Sublime* and *Section on Fasting*, are much shorter and contain additional supporting arguments that are not presented in the point–counterpoint debate form found in sections one and two. Al-Shāfiʿī opens section three with an idea that he expressed early in his discussion with the representative of those who rejected all Prophetic reports: the ordinances in God's Book of are two kinds—those that He has clarified in the revelation itself, and those that He has explained through the words of His

messenger.[59] The second type necessitates acceptance of Prophetic reports. He repeats the section of Qur'ān 59:7 that convinced his first opponent that the revelation calls for obedience to the Prophet beyond what is in the Qur'ān.[60] He then offers more examples of the details of the ritual prayers and charity that are taken from the *Ḥadīth* rather than the Qur'ān. Section four contains a similar discussion on the details of fasting and pilgrimage. In this way, al-Shāfiʿī again emphasizes one of the most frequent and persistent arguments made for the necessity of Prophetic reports: without such reports it is impossible to have uniform religious practices.

Al-Shāfiʿī also takes the opportunity to present some other ideas that are important to the question of the authority of the *Ḥadīth* after the discussion on pilgrimage. At this point, without preamble, al-Shāfiʿī mentions a *Ḥadīth* reported to him by Ibn ʿUyayna (d. 198 AH)[61] that seems to prohibit the acceptance of Prophetic reports: "Let the people not cling to anything on my authority . . . (*lā yumsikna al-nās ʿalayya bi shay'* . . .)." Though he says that this *Ḥadīth* has been reported to him "with its chain of transmitters" (*bi-isnādihi*) he does not include the chain.[62]

Al-Shāfiʿī criticizes such a use of the earlier mentioned *Ḥadīth* on several grounds. First, he says that it is *munqaʿiʿ*, that is, it does not go back to the Prophet in an unbroken chain of transmitters. Because he does not include the chain of transmitters, we do not know where the break occurs.

Nevertheless, al-Shāfiʿī is reluctant to reject any *Ḥadīth*, preferring to find ways to reconcile apparent contradiction. Therefore, he argues further that even if it can be confirmed to have come from the Prophet, it contains the prepositional phrase *ʿalayya* (on me), rather than *ʿanī* (from me/on my authority). This is significant for al-Shāfiʿī who understands this to mean that people are not to adhere to those things that were specifically ordained by God for the Prophet and no one else, such as taking more than four wives. Al-Shāfiʿī also cites another *Ḥadīth* reported to him by Ibn ʿUyayna: "Let me not find any one of you who receives a command or prohibition from me reclining on his couch and saying, 'We do not know about this. We follow what we find in the Book of God, Almighty and Exalted.'"[63] This time he includes the complete chain of transmitters. Altogether, these things indicate for al-Shāfiʿī that the earlier *Ḥadīth* cannot be understood as a prohibition of accepting Prophetic reports.[64]

After dealing with the *Ḥadīth* mentioned earlier, he turns again to his most successful arguments against those who rejected all Prophetic

reports, reiterating the same portion of verse 59:7. Here too, al-Shāfiʿī returns to the idea that is central to his position: duality of revelation. To support the idea that the Prophet's commands and prohibitions outside of the Qur'ān were also inspiration (*waḥy*) from God, he cites three Qur'ānic verses:

> But when Our Clear Signs are recited unto them, those who rest not their hope on their meeting with Us, say: "Bring us a Reading other than this, or change this," say: "It is not for me, of my own accord, to change it: I follow naught but what is inspired unto me: if I were to disobey my Lord, I should myself fear the Penalty of a Great Day."
>
> Follow what you are taught by inspiration from your Lord . . .
>
> He who obeys the Messenger obeys God . . .[65]

Next, he cites a *Ḥadīth* in which the Prophet is said to have declared that he has neither neglected to command anything commanded by God, nor to prohibit anything prohibited by God. So he ends *Kitāb Jimāʿal-ʿIlm* where he began, with two ideas that form the theological basis for the authority of the *Ḥadīth*—obedience to the Prophet, and the concept of two forms of revelation—that together require accepting Prophetic reports in addition to the Qur'ān.

A brief discussion of religious laws and practices that are ordered in the Qur'ān, but the details of which are taken from the *Ḥadīth*, reinforces the need to accept *Ḥadīth* in practical matters. For al-Shāfiʿī, consensus is not sufficient as a basis for decision-making in these areas. The means of determining the appropriate details of required religious practices must be something more consistent and reliable than consensus. That source is *Ḥadīth*, which are the repository of the Prophetic Sunna and a second form of divine revelation. When looked at with this understanding, the order and logic in the *Jimāʿal-ʿilm* becomes clear. Al-Shāfiʿī begins by setting out what he sees as the strongest arguments of his opponents. His then presents his own broad, doctrinal arguments. His then moves from his doctrinal arguments to issues of legal theory and then specific religious practices. At each step, he adduces examples to illustrate his points, and then ends the work with more examples and reiteration of his key arguments. Perhaps the greatest weakness of the *Jimāʿal-ʿilm* is that al-Shāfiʿī attacks his opponents so repeatedly and at such length on the concerns they have raised regarding the acceptance of *Ḥadīth*, rather than addressing those concerns directly.

The *Risāla*

Like *Kitāb Jimāʿal-ʿIlm*, the *Risāla* is written in al-Shāfiʿī's characteristic language and style, but the format of the two works differs. The *Risāla* is divided into three parts. Each part contains discussions relating to the issue of the position and authority of *Ḥadīth*, along with other issues. Only what relates to authority of the *Ḥadīth* will be dealt with here.

The main ideas that al-Shāfiʿī presented in *Kitāb Jimāʿal-ʿIlm* in the form of debates are presented in a more developed form, as general principles in the *Risāla*. However, in the chapter on defects in the traditions, he uses the familiar debate format used in the first half of *Kitāb Jimāʿal-ʿIlm*. Here too, al-Shāfiʿī' does not identify his challenger, again using instead the generic phrase: "qāla lī qā'il . . ." (a speaker said to me . . .).[66]

In part one, al-Shāfiʿī emphasizes the religious obligation of following the Sunna of God's Messenger and its importance in relation to various religious practices, such as prayer, charity, fasting, pilgrimage, and so on, as he did in *Kitāb Jimāʿal-ʿIlm*, but here he goes much further in stressing the important position in which God has placed the Prophet. Part two contains the chapter on defects in the Traditions (*Bāb al-ʿilal fil-ḥadīth*), followed by a detailed treatment of apparently contradictory *Ḥadīth*. This part ends with a chapter on singular reports (*khabar al-wāḥid*), a term al-Shāfiʿī seems to use synonymously with isolated reports (*khabar al-khāṣṣa*). Part three begins with further discussion of singular reports, after which al-Shāfiʿī ends the work with discussion of other principles of jurisprudence.

The *Risāla*'s opening chapter begins with the customary invocation, praising God and seeking His help, along with the Muslim testimony of faith, or *shahāda*. A brief discussion of the religious state of humanity at the time of Muḥammad follows. Next, al-Shāfiʿī sets the stage for the topic of Sunna and *Ḥadīth* by stressing Muḥammad's role and importance as God's Messenger and the cause of humanity's religious and worldly gain.[67]

In the second chapter of the *Risāla*, al-Shāfiʿī deals with the various related meanings of the word *al-bayān* (clear declaration, explanation, elucidation, information). These correspond roughly to the categories of knowledge discussed in *Kitāb Jimāʿal-ʿIlm*:

- what God has declared in the text of the Qur'ān,
- the Prophet's explanations of the text,
- what the Messenger established (*sanna*) in the absence of a textual ruling from God (*laysa lillāh fihi naṣṣ ḥukm*).[68]

He devotes a separate section to each category, citing specific examples from religious laws and practices. Of course, all but the first category require accepting Prophetic reports.

As in *Kitāb Jimāʿal-ʿIlm*, the two central ideas are obedience to the Prophet, and the recognition of two forms of revelation. Having already stressed Muḥammad's importance and role as God's Messenger, al-Shāfiʿī further develops his arguments about the nature of the Messenger's authority by citing Qur'ānic verses that link belief in God to belief in His Messenger, including: "Only those are Believers who believe in God and His Messenger: when they are with him on a matter requiring collective action, they do not depart until they have asked for his leave . . ."[69]

He does the same regarding the question of obedience by citing two further Qur'ānic passages:

> It is not fitting for a Believer, man or woman, when a matter has been decided by God and His Messenger, to have any option about their decision: if anyone disobeys God and His Messenger, he is indeed on a clearly wrong Path.
>
> O you who believe! Obey God, and obey the Messenger, and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His Messenger, if you believe in God and the Last Day: that is best, and most suitable for final determination.[70]

In *Kitāb Jimāʿal-ʿIlm*, those who rejected all Prophetic reports suggested that obeying the Messenger meant obeying only the Qur'ān that God had sent down to him, and that when the Qur'ān mentioned the Book together with Wisdom, the Wisdom was the specific rulings of the Book. Al-Shāfiʿī countered with arguments that the *Wisdom* had to be something other than the Qur'ān. He develops those arguments further here. Establishing the status of the Sunna as a form of divine revelation is crucial if he is to overcome the suggestions of those who deny the authority of the *Ḥadīth*.

Early in the *Risāla*, he sets the stage for this argument "In what we have written in this book, mentioning God's blessing worshippers with knowledge of the Book and the Wisdom, there is proof that the Wisdom is the Sunna of God's Messenger."[71] What al-Shāfiʿī refers to is the section, *Elucidation of God's Making Following the Sunna of His Prophet Obligatory in His Book*, where he says: "God has made it obligatory for

the people to follow His revealed inspiration (*waḥyahu*) and the *sunnas* of His Messenger."[72]

In support of the view that the Sunna is a form of divine revelation, he cites seven verses from the Qur'ān in which the Book and the Wisdom are mentioned[73], and then explains:

> So God has mentioned the Book, which is the Qur'ān, and He has mentioned Wisdom. I have heard those with whom I agree among the people who have knowledge of the Qur'ān say the Wisdom is the Sunna of God's Messenger.
>
> This seems to be what He has said—but God knows best—because the Qur'ān is mentioned and Wisdom is put after it; and God has mentioned His favoring His creatures by teaching them the Book and Wisdom. So, it is not possible—but God knows best—that the Wisdom here can be said to be other than the Sunna of God's Messenger.[74]

This line of argument echoes and expands upon the reasoning al-Shāfi'ī used in *Kitāb Jimā'al-'Ilm* to convince those who rejected all Prophetic reports that God had given inspiration to the Prophet beyond just the revelation of the Qur'ān. In addition to the verses in which *Wisdom* is interpreted to mean the Sunna, al-Shāfi'ī presents other verses that suggest to him that everything the Prophet Muḥammad said and did was the result of divine inspiration. He touched briefly on this idea near the end of *Kitāb Jimā'al-'Ilm*, but develops it further here in the *Risāla*. As in *Kitāb Jimā'al-'Ilm* he cites Qur'ān 6:106: "Follow what you are taught by inspiration from your Lord: there is no god but He: and turn aside from those who join gods with God."

He also cites several similar verses as well:

> O Prophet! Fear God, and do not obey the rejecters and the hypocrites. Indeed, God knowing, wise. Follow that which comes to you by inspiration from your Lord: for God is well acquainted with what you do.
>
> Then We put you on the right way, so follow it, and do not follow the desires of those who do not know.
>
> O Messenger! Deliver what hath been sent down to you from your Lord. If you do not, you will not have conveyed His Message. God will defend you from the people. Indeed, God does not guide the rejecters.

> And thus, We have sent a spirit of inspiration to you by Our command. You did not know what the Book or Faith was, but We have made it a Light by which We guide whom We will among Our servants; and indeed you guide to the Straight Path.[75]

Along with these verses, al-Shāfiʿī also quotes two of the same *Ḥadīth* that he included in *Kitāb Jimāʿal-ʿIlm*. The first is that in which the Prophet reportedly said that he had not neglected to command anything commanded by God, or to prohibit anything prohibited by God. The second is that which warns against rejecting a command or prohibition from him, while claiming to follow only what is in the Qur'ān.[76] He again cites the latter of these when a questioner asks him for evidence against those who relate a contradictory *Ḥadīth*, in which the Prophet reportedly said: "Compare whatever comes to you on my authority with the Book of God. If it agrees with it, I said it. If it differs from it, I did not say it."[77]

Al-Shāfiʿī first informs his questioner that this *Ḥadīth* is from an unknown transmitter and also suffers from a broken chain of transmitters. As in the case of a similar *Ḥadīth* he mentioned in *Kitāb Jimāʿal-ʿIlm*, al-Shāfiʿī does not offer any specific information on the chain of transmitters. However, unlike the other discussion, the wording of this *Ḥadīth* does not offer the means by which al-Shāfiʿī can reconcile it with his position. Therefore, he simply dismisses it. He then cites the previously mentioned *Ḥadīth* on the need to accept Prophetic reports in support of his own position.

Although they are presented in the *qāla . . . fa-qultu* format in his treatment in the *Risāla* of the question of defects in the *Ḥadīth*, al-Shāfiʿī does not primarily call into question the consistency or sincerity of the questioner. Perhaps this is because his hypothetical adversary is not an opponent of the *Ḥadīth*. Alternatively, perhaps it is an indication that this version of the *Risāla* was written after *Kitāb Jimāʿal-ʿIlm*, and represents a better-thought-out approach.

Al-Shāfiʿī's questioner asks about the existence of *Ḥadīth* that agree with the Qur'ān and those that disagree with it as well as *Ḥadīth* that contradict each other. Al-Shāfiʿī explains that every Sunna of the Prophet agrees with the Qur'ān, or clarifies it. The things in the Sunna that are not based on a text in the Qur'ān are obligatory because of the command to obey the Messenger. Al-Shāfiʿī explains that it is also necessary to know the abrogating and the abrogated, as well as the general and the specific in both the Qur'ān and the *Ḥadīth* in order to see that there are really no contradictions between the *Ḥadīth* and the Qur'ān, or between different *Ḥadīth*.[78]

Al-Shāfiʿī's discussion of isolated reports in the *Risāla* lacks the relentless, confrontational tone of the same discussions in *Kitāb Jimāʿal-ʿIlm*, perhaps for the same reasons, either because he is not even hypothetically addressing an opponent of such reports, or because he wrote this work at a later time. Here, the questioner asks al-Shāfiʿī for the minimum requirements that make an isolated report acceptable. He explains that it requires only one person to have heard it directly from one other person in a chain reaching back to the Prophet; but that each person must be known to be pious and reliable in his memory, able to relate a report word-for-word; and any idiosyncrasies in the quality of his speech must be known in order to avoid confusion in the transmission.[79]

Though the tone of the *Risāla* differs from that of *Kitāb Jimāʿal-ʿIlm*, al-Shāfiʿī's explanations are the same. The answers he gives on the question of defects in *Ḥadīth* do not answer the concerns raised by his hypothetical adversaries—but perhaps they are not meant to do so. Al-Shāfiʿī has taken great pains to challenge the validity and consistency of those concerns. What is important to al-Shāfiʿī, in both *Kitāb Jimāʿal-ʿIlm* and in the *Risāla*, is to establish the authority of the *Ḥadīth* as the second revelatory source of law and guidance for Muslims. To this end, he has developed arguments that linked obeying the Prophet with accepting *Ḥadīth*. Convincing others of the need to obey the Messenger was not difficult because this is called for in the Qur'ān and even the opponents of all Prophetic reports accepted that. What they did not accept was the use of extra-Qur'ānic materials that they found doubtful at best. Therefore, al-Shāfiʿī has focused on developing arguments that might convince others that the words and actions of the Prophet, beyond the Qur'ān, were divinely inspired and protected from error—a second form of revelation. Once this idea was established, then it would naturally link the acceptance of Prophetic reports with the obligation to obey the Messenger. Over time, this is exactly what occurred. This linkage ultimately assured the *Ḥadīth's* authority, side-by-side with the Qur'ān, among the majority of Muslims.

The first thing al-Shāfiʿī does in the introduction to *Kitāb Jimāʿal-ʿIlm* is give equal status to the Book of God and the Sunna of the Messenger: "the only speech (*qawl*) that must be adhered to in every situation is the Book of God or the Sunna of God's Messenger . . ." The granting of such status to Prophetic reports is also the primary complaint of al-Shāfiʿī's hypothetical adversary.[80] Neither makes a distinction between written and oral narration; instead, they focus on the role and authority of Prophetic reports. Likewise, ʿUmar's aversion as recounted in the

Ṭabaqāt and the *Muṣannaf* is to both written and orally transmitted Traditions. The central concern attributed to ʿUmar is that the Prophetic traditions are extra-Qur'ānic, not whether or not such narrations are written down.

Neither al-Shāfiʿī nor his opponent disagrees that Prophetic reports are extra-Qur'ānic. The central question for both men is the permissibility or even the necessity of such extra-Qur'ānic material. The imagined representative of the opponents of Prophetic reports questions its permissibility, while al-Shāfiʿī insists on its necessity. Without the Prophetic reports, al-Shāfiʿī argues, how can one practice his religion? He does not find the details in the Qur'ān, so he must turn his attention to something other than the Qur'ān, and that something is the Sunna.[81] It was for just this reason that ʿUmar is said to have changed his mind about having the Sunna committed to writing: fear that it would draw people's attention away from the Book of God, as it had with a previous people. When he found that people were writing down the *Ḥadīth*, ʿUmar is said to have ordered what they had written to be destroyed, comparing their writings to the Mishna. The role of the Mishna closely parallels the role that al-Shāfiʿī assigns to the Sunna in Islam: detailing religious practices and points of law.[82] In assessing the reports attributed to ʿUmar, Nabia Abbott says that his "fears in this respect proved not to be exaggerated."[83]

However, stories of ʿUmar's objection to transmitting and writing down the *Ḥadīth*, and the ideas that transmission of *Ḥadīth* would distract people from the Qur'ān and that written *Ḥadīth* would cause people to abandon the Qur'ān are noticeably absent in al-Shāfiʿī's discussions with his archetypal opponents of Prophetic reports. However, a hint of that argument can be seen in an idea that al-Shāfiʿī does present from the opponents of the *Ḥadīth*: the concern for giving Prophetic reports the status of the Book of God.[84] It could be argued that al-Shāfiʿī has exaggerated the practical and legal concerns of those who challenged the extra-Qur'ānic authority of Prophetic reports, in order to provide a foil for his own practical legal arguments. However, as discussed earlier, the evidence of both earlier and continuing opposition to *Ḥadīth* as a competing source of authority suggests that the opposition to which al-Shāfiʿī is responding in *Kitāb Jimāʿal-ʿilm* was much as he has portrayed it.

Al-Khaṭīb al-Baghdādī, writing more than two-and-a-half centuries after al-Shāfiʿī cites the fear that *Ḥadīth* would come to be a book other than the Book of God, as the primary basis for the opposition to recording the *Ḥadīth* in writing. As discussed earlier, most often the protagonist who is credited with leading such opposition is ʿUmar ibn al-Khaṭṭāb.

The absence of any mention by al-Shāfiʿī of the ʿUmar stories is significant. The *Muṣannaf* of ʿAbd al-Razzāq shows that similar stories were in circulation during al-Shāfiʿī's lifetime, and Ibn Saʿd's *Ṭabaqāt* shows that the stories were reasonably well-developed not long after al-Shāfiʿī's death. Did al-Shāfiʿī not address them because they would have weakened his case for the authority of the *Ḥadīth* as a source of divinely inspired guidance, or did the opponents of the *Ḥadīth* incorporate them into their arguments only after the successful articulation of the concept of duality of revelation? A definitive answer to this question cannot be given based on available evidence. Nevertheless, the evidence does suggest that the opposition to the *Ḥadīth* evolved in response to the increasing authority and status that they were being granted by many Muslims.

In spite of ongoing opposition the concept of duality of revelation continued to develop as well, along with the compilation of *Ḥadīth* collections. The proponents of the *Ḥadīth* as a necessary and authoritative source of law and guidance eventually succeeded in securing *Ḥadīth* the status of a scripture that complements, rather than competes with the Qur'ān. The arguments championed by al-Shāfiʿī in the late second and early third centuries after the Hijra are still used today, some twelve centuries later, but the debates that had begun before al-Shāfiʿī continued after his death. However, they took on a new direction after the appearance of the major *Ḥadīth* collections in the middle of the third century after the Hijra. This direction is seen in the works of Ibn Qutayba and later authors who accepted and built upon the arguments of al-Shāfiʿī. Al-Shāfiʿī's focus on developing Qur'ānic arguments in support of Sunna as a form of revelation suggests that the tone of the debates during his lifetime were set by the opponents rather than the supporters of the *Ḥadīth*. It was not enough to attempt to reconcile the problematic content of particular *Ḥadīths*. It was necessary to provide a distinctly Qur'ānic argument in favor of the authority of the *Ḥadīth*. This is exactly what al-Shāfiʿī has done in *Kitāb Jimāʿal-ʿilm*. Whether this critical doctrine originated with al-Shāfiʿī or not, he is the first author we know of to articulate it so forcefully and successfully. In the wake of al-Shāfiʿī's articulation of the idea of the duality of revelation and the systematic compilation of the *Ḥadīth* the focus of opposition to the authority of the *Ḥadīth* changed. From the time of Ibn Qutayba onward through the time of al-Baghdādī, we see the opponents of the *Ḥadīth* using the *Ḥadīth* themselves as weapons either through criticism of problematic content, or as objections to *Ḥadīth* attributed to Muḥammad and his companions.

Ibn Qutayba and the *Ḥadīth*

After al-Shāfiʿī, the next champion of the *Ḥadīth* whose work has reached us is Abū Muḥammad ʿAbd Allāh ibn Muslim Ibn Qutayba (d. 276 AH).[85] Ibn Qutayba was one of the most prolific writers of his day. He wrote books on a wide variety of subjects, many of which have come down to us.[86] Although Ibn Qutayba, like al-Shāfiʿī, championed the *Ḥadīth*, there are significant differences between the two men and their contributions to the debates over the use and authority of the *Ḥadīth*. One important difference is reputation. In spite of his prolific writings, Ibn Qutayba does not enjoy the same stature and reputation as al-Shāfiʿī. In fact, he is often the subject of harsh criticism, even from those who consider him to be sincere and pious. The eighth/fourteenth-century biographer Ibn Ḥajr al-ʿAsqalānī reports a variety of opinions about Ibn Qutayba. Among the comments cited by al-ʿAsqalānī is the following quote from al-Ḥākim al-Niysābūrī (405/1014): "The community has agreed that al-Qutayba [*sic*] is a habitual liar (*ajmaʿat al-umma anna al-Qutayba kadhdhāb*). I say that this is a gross exaggeration and the speech of someone who does not fear God."[87] This quote from such a prominent scholar of *Ḥadīth* indicates that there was widespread doubt about Ibn Qutayba that al-Ḥākim felt compelled to refute. Other Muslim authors over the centuries have also reported mixed opinions about Ibn Qutayba. In the introduction to his *Tahdhīb al-Lugha*, the fourth/tenth-century linguist al-Azharī (d. 370 AH) states that he examined all of Ibn Qutayba's books with care. He says that he has not seen anyone refute Ibn Qutayba's sincerity in what he transmitted from others. But al-Azharī goes on to say, "when he obstinately follows his own opinion he may make errors in that which is well known to someone with more suitable learning;" and that he found Ibn Qutayba "engaging in speculation about things of which he has no knowledge and in which he is not well-versed." Al-Azharī adds that he heard Abū Bakr al-Anbārī (d. 327/939) accuse Ibn Qutayba of "carelessness, ignorance, and lack of learning" (*al-ghafla wal-ghabāwa wa qillat al-maʿrifa*).[88]

The fifth/eleventh-century historian al-Bīrūnī (d. 440/1049) also criticized Ibn Qutayba, saying that he was menacing and long-winded (*yuhawwil wa yuʿawwil*) in all his books, and that he [al-Bīrūnī] did not know if Ibn Qutayba was ignorant or only feigning ignorance (*jahila am tajāhala*).[89]

Another important factor is the change in religio-political attitudes that took place during Ibn Qutayba's lifetime. Al-Shāfiʿī had worked to build the doctrinal foundations for the authority of the *Ḥadīth* during a

time when the Caliphs favored the views of the adherents of *kalām* and were harsh toward the supporters of *Ḥadīth*. During his reign (198–218/814–833), the Caliph al-Ma'mūn was inclined toward rational inquiry in religious matters. He supported the proponents of *kalām* and persecuted the adherents of *Ḥadīth*. It was during this time that al-Shāfi'ī is believed to have written the second version of the *Risāla* and *Kitāb Jimā' al-'Ilm*. Al-Ma'mūn's two immediate successors continued his policies.[90]

In 232/847, when Ibn Qutayba was a young man, al-Mutawakkil became the Caliph. Unlike his three predecessors, al-Mutawakkil was not inclined toward rational inquiry in religious matters. He turned the tables and strove to bolster the authority of the Sunna, and of the *Ḥadīth* as a necessary source of the Sunna. He bolstered the supporters of the *Ḥadīth* and suppressed the views of the proponents of *kalām*.[91] Ibn Qutayba developed a close relationship with al-Mutawakkil's vizier, 'Ubayd Allāh ibn Yaḥya Ibn Khāqānī, to whom he dedicated another of his books.[92] The change of official attitude together with Ibn Qutayba's association with government circles gave him the opportunity to use his literary skills in defense of the *Ḥadīth*.

Another important development that occurred during the more than half a century between the deaths of al-Shāfi'ī and Ibn Qutayba is the appearance of the major collections of *Ḥadīth*. Although there are both larger organized collections of *Ḥadīth* as well as smaller personal collections (*ṣaḥīfa*, pl. *ṣuḥuf*) that date from the late second/eighth or early third/ninth centuries AH, the major *Ḥadīth* collections recognized and still used today as authoritative by mainstream Sunnī Muslims were compiled in the mid-third/ninth century.[93] The systematic compilation of the *Ḥadīth*, together with the idea of the duality of revelation introduced by al-Shāfi'ī, had set the stage for the second theme. This idea led Ibn Qutayba to accept and defend whatever might be attributed to the Prophet, even if the content seemed contradictory or irrational. Whereas al-Shāfi'ī argued issues of doctrine, Ibn Qutayba argued issues of content. Al-Shāfi'ī argued against both those who rejected the authority of all *Ḥadīth* as extra-Qur'ānic materials that were doubtful at best and against those who rejected the authority of only particular *Ḥadīth*. For al-Shāfi'ī, both groups were wrong. Therefore, al-Shāfi'ī's primary aim had been to establish the authority of the *Ḥadīth* as the second revelatory source of law and guidance for Muslims. To do so, he developed arguments meant to link the acceptance of Prophetic reports with the Qur'ānic command to obey the Messenger. The opponents of Ibn Qutayba were the successors of the second group of *ahl al-kalām* identified

by al-Shāfiʿī in *Kitāb Jimāʿ al-ʿIlm*; they did not challenge the authority of all *Ḥadīth*. Instead, they challenged those *Ḥadīth* whose content contradicted other *Ḥadīth*, or contradicted the Qurʾān, or those *Ḥadīth* whose content was irrational and made the religion an object of ridicule. Therefore, Ibn Qutayba's aim was to try to overcome criticisms of the *Ḥadīth* themselves, by attempting to reconcile the apparent contradictions. He did so in his book *Taʾwīl Mukhtalif al-Ḥadīth* (*The Explanation of Ḥadīth that Cause Disputes*). As the title indicates, the primary aim of the work is to address *Ḥadīth* that caused disagreements among Muslims. A detailed discussion of the various *Ḥadīth* addressed by Ibn Qutayba is beyond the scope of this work. However, in his introduction to the book Ibn Qutayba discusses the objections to *Ḥadīth* current in his time and those who were making those objections.

Taʾwīl Mukhtalif al-Ḥadīth

Taʾwīl Mukhtalif al-Ḥadīth is written in a straightforward prose style, without the "*qāla . . . fa-qultu*" debate format or the complex, ornate language that characterizes the works of al-Shāfiʿī. In spite of the straightforward prose, however, the arguments are often rambling and disconnected. The book is addressed to an unidentified person, who has written to Ibn Qutayba to complain about the way in which the adherents of *kalām* criticize the adherents of the *Ḥadīth*. Ibn Qutayba centers his introduction on specific issues raised by his informant. After a brief introductory benediction, Ibn Qutayba addresses the unidentified individual as follows:

> You have written to inform me of what you have encountered of *ahl al-kalām's* contemptuous criticism of *ahl al-ḥadīth*, their long-winded diatribes in books criticizing them and their hurling of so many accusations of deceit and contradictory narratives that disagreement has occurred, sects have multiplied, ties have been severed and Muslims have become enemies, accusing each other of disbelief, each group basing its opinion on a particular type of Ḥadīth.[94]

This statement is followed by a description of various sectarian factions, along with examples of *Ḥadīth* on which they base their beliefs, or to which they object. Some groups are mentioned by names such as *al-Khawārij* (the Schismatics), *al-Qadarīya* (the advocates of free-will), and *al-Rāfiḍa* (the Shīʿa), while others are mentioned by what was seen as

their primary position on particular ethical and religious issues, such as "those who prefer wealth" and "those who prefer poverty." In some cases, the description of a particular group is followed by a description of "those who disagree with them."[95] Ibn Qutayba does not present the factions in any particular order. This list makes it clear that there was a wide variety of groups who had some kind of opposition to the *Ḥadīth*, but other than this opposition, they did not share doctrinal or theological views. Indeed, the views of some groups in Ibn Qutayba's list are diametrically opposed to those of others. As in the case of al-Shāfiʿī's treatment of those who reject some Prophetic reports and those who reject all Prophetic reports, what is important to Ibn Qutayba is their opposition to *Ḥadīth*, and this opposition is sufficient to cause Ibn Qutayba, like al-Shāfiʿī before him, to lump them together, even though some of the groups and individuals involved might also be strongly opposed to one another's views on the status and authority of *Ḥadīth* in general.

Specific *Ḥadīth* that are mentioned as making Islam an object of ridicule are cited in the section on "the adherents of innovation." Among these is a *Ḥadīth* that promises castles in paradise filled with beautiful, wide-hipped brides to anyone who recites certain chapters of the Qur'ān or carries out certain religious duties. Another says "if a fly falls in the drinking cup, dunk it, because one wing carries poison and the other carries the antidote . . ." Again, the examples are given in no particular order.[96]

Although the contents of *Ḥadīth* are the main subject of criticism, students and teachers of *Ḥadīth* are also criticized for making careless errors in their transmission of both the textual contents of the *Ḥadīth* and in the chains of transmitters. For example, relating a *Ḥadīth* on the authority of *sabʿa wa-sabʿīn* (seventy-seven) when it should be on the authority of Shuʿba and Sufyān.[97] After giving these and other examples, Ibn Qutayba once again addresses his unidentified informant:

> This is what you have related to me of their defamation of the adherents of Ḥadīth, complaining of how long the situation has persisted without a defender to vindicate them, or offer an explanation of these ḥadīths . . . Before mentioning the ḥadīths and uncovering their meanings, I have presented a description of the adherents of *kalām* and the adherents of ḥadīth, according to what I know of each group.[98]

The section on the adherents of *kalām* begins with an analogy familiar from the Gospels, criticizing the adherents of *kalām* for seeing a speck

in the eyes of others, while ignoring the log in their own. What follows is a rambling list of the problems Ibn Qutayba sees in their doctrines. As in the introduction, there is no apparent order to the discussion. His major criticism of the adherents of *kalām* is that their use of the tools of rational inquiry in religious matters has led to disagreements among them. "No two of their leaders agree on a single matter of religion," he declares. A related criticism is that the adherents of *kalām* do not refer their differences of opinion to "people with knowledge" (*ahl al-ʿilm*) who could clarify things for them. Instead, they "prohibit" following authorities, preferring to follow those whom Ibn Qutayba calls "brothers" in doctrine. Ibn Qutayba does discuss specific individuals among the adherents of *kalām* and *ra'y*, but in these discussions, he does not address the concerns raised about the *Ḥadīth*; instead, he continues with his own criticisms of what he sees as their positions on specific religious issues. What Ibn Qutayba presents as a defense of the *Ḥadīth* against the criticisms of their opponents is actually a series of attacks against the adherents of *kalām*. The overall effect of Ibn Qutayba's arguments is to turn attention away from criticisms of the *Ḥadīth* and toward criticism of those who find fault with the *Ḥadīth*. This strategy makes perfect sense given the basis laid by al-Shāfiʿī in *Kitāb Jimāʿal-ʿilm*, and the developing *isnād* system, whereby authentic *Ḥadīth* are distinguished from spurious *Ḥadīth*. It is the quality of the individuals who transmit reports that guarantees the quality of the reports. For Ibn Qutayba, the negative personal qualities of the opponents of the *Ḥadīth* undermine their credibility, and therefore, the credibility of their criticisms.

Negative personal qualities are not the only factor that damages the credibility of the adherents of *kalām* for Ibn Qutayba. He also contrasts the adherents of *kalām* with the adherents of *Ḥadīth* on an issue to which al-Shāfiʿī devoted a great deal of attention in *Kitāb Jimāʿal-ʿilm*. According to Ibn Qutayba, all adherents of *Ḥadīth* agree on the fundamental issues of religion, differing only on specific details of *fiqh*. Differences in the specifics of *fiqh*, he says, are excusable, and he compares them to differences in peoples' languages and colors. He does not address the specific sectarian differences that he indicates the opponents of *Ḥadīth* attributed to the use of different *Ḥadīth*. Those differences go beyond differences in the specifics of *fiqh*. In fact, with few exceptions, Ibn Qutayba does not address most of the criticisms made by the adherents of *kalām* mentioned in his own introduction.

The specific criticisms he does address are two of the *Ḥadīth* that have been highlighted as making Islam an object of ridicule. The first is the

Ḥadīth that asserts that God created humanity by rubbing Adam's back and extracting his descendents. The second is the *Ḥadīth* that calls for dunking a fly that has fallen into a drinking cup. In defense of the former, Ibn Qutayba, says it is an example of a *Ḥadīth* that provides details about something the Qur'ān addresses in a general way. In defense of the latter *Ḥadīth*, he begins by explaining that it is an authentic (*ṣaḥīḥ*) *Ḥadīth* that has been transmitted with various wording and from various chains of transmitters. Further, he asserts, "whoever calls something that God's messenger brought a lie is like one who calls everything he brought a lie."[99] Here, Ibn Qutayba has gone much further than al-Shāfi'ī, who would reject a given *Ḥadīth* when he found it absolutely necessary to do so.

As with al-Shāfi'ī, it seems that the issue of the debates between the opponents and proponents of the *Ḥadīth* serve primarily as a vehicle for stating Ibn Qutayba's own case. However, unlike al-Shāfi'ī, his arguments contain no clear doctrinal defense of *Ḥadīth* authority beyond the need to accept whatever has been attributed to the Prophet. Though he does not repeat the arguments made by al-Shāfi'ī, he has clearly accepted the ideas that stem from them. Ibn Qutayba's attitude is a natural result of the doctrine of duality of revelation—the idea that the words and actions of the Prophet, beyond the Qur'ān, were also divinely inspired and protected from error. If, as al-Shāfi'ī asserts, the *qawl* (speech) that must be adhered to in every situation is either the Book of God, or the Sunna of the Messenger,[100] then the words of the Messenger found in the *Ḥadīth* would be equal in status to the words of God found in the Qur'ān. This status leaves no room for judging the authenticity of *Ḥadīth* by scrutinizing their content through the lens of human reason, as various *ahl al-kalām* were wont to do, because such a means of authentication would make human reason the arbiter of revelation, making human reason, rather than revelation, the ultimate authority. Where there was problematic content, the *Ḥadīth* in question had to be dealt with by those with knowledge of such issues as the general and the specific, and the issue of abrogation, as al-Shāfi'ī laid out at length in *Kitāb Jimā'al-'Ilm*, several generations before. Ibn Qutayba takes the revelatory nature and status of the *Ḥadīth* for granted and applies the principles used earlier by al-Shāfi'ī in defense of the *Ḥadīth* against the criticisms of their opponents.

Later authors whose works focus on the controversies surrounding the *Ḥadīth* also take the revelatory status of the *Ḥadīth* for granted and like Ibn Qutayba concentrate on issues dealing with content. These works show a far less aggressive and reactionary tone than the works of

either Ibn Qutayba or al-Shāfiʿī. Instead, they are able to deal with the criticisms leveled against the *Ḥadīth* in a much more confident and matter-of-fact manner because the basis for the authority of the *Ḥadīth* has been more clearly established and more widely accepted. We will now examine a couple of these later works.

CHAPTER THREE

Later Works on the Problem of the Ḥadīth

Two similar works are available to us from the third/ninth and fourth/tenth centuries: *Mushkil al-Āthār* by Abū Jaʿfar al-Ṭaḥāwī (d. 321/933),[1] and *Bayān Mushkil al-Ḥadīth* by Ibn Fūrak (d. 406/1015).[2] Both works focus on addressing the problematic content of various specific *Ḥadīth*, a detailed discussion of which is beyond the scope of the current discussion. However, like their predecessor Ibn Qutayba, both authors provide information in their introductions that is valuable for an analysis of attitudes toward the authority of the *Ḥadīth*. Unlike Ibn Qutayba, al-Ṭaḥāwī does not open his work with reference to opposition to the *Ḥadīth*. Instead, he focuses on the status of Muḥammad, reminding the reader that God sent Muḥammad as the seal of the Prophets and the Qur'ān as the seal of revelation, confirming the truth of and superseding all previous revelations. He then mentions several key verses from the Qur'ān that provide the foundation for the authority of the *Ḥadīth*. The first is 49:2, in which believers are commanded not to raise their voices above the voice of the Prophet. Al-Ṭaḥāwī follows this with reference to 53:3–4, in which God declares that Muḥammad did not speak on his own initiative, but through divine inspiration. Next, he adduces the command for believers to take what the messenger gives them and forbid themselves what he forbids them, from 59:7.[3] This is the verse that al-Shāfiʿī first used more than a century earlier in *Jimāʿal-ʿilm* as his capstone argument; finally convincing his opponent that acceptance of Prophetic reports was an obligation for believers.[4] This particular interpretation of the verse, which early tafsīr works suggest was still in dispute more than half a century after al-Shāfiʿī's death, is used with conviction

by al-Ṭaḥāwī. His use of this verse immediately after 53:3–4 leaves no doubt that he sees Prophetic reports as a form of divine revelation, which believers are required to accept and follow.

After laying out the Qur'ānic verses that establish the status of the Prophet and Prophetic reports, al-Ṭaḥāwī tells the reader why he has undertaken this particular task.

> I have examined reports from him [the Prophet], peace and blessings be upon him and his people, narrated with acceptable chains of transmitters whose faith and good qualities are well-established; and I have found in them [the reports] things the knowledge and understanding of which has escaped most people. Therefore, I was inclined to consider them and explain what I could of their problems, of the rules to be derived from them, and of the exclusion of absurdities from them.[5]

Thus, unlike the works of al-Shāfiʿī and Ibn Qutayba, al-Ṭaḥāwī's work is not a direct response to any outright denial or criticism of the *Ḥadīth* that he has encountered; rather it addresses what he sees in the *Ḥadīth* that others may perceive as problematic because of their lack of knowledge and understanding. Like al-Shāfiʿī and Ibn Qutayba, al-Ṭaḥāwī is convinced that any apparent problems in the content of reports from trustworthy sources stems from a lack of correct knowledge and understanding on the part of those who perceive such problems, while those with sufficient knowledge will be able to explain the correct understanding of those reports and show that what may appear to be problems are actually not. As a form of divine revelation, such reports cannot be abandoned, but must be dealt with by those with the requisite knowledge. This attitude echoes that of al-Shāfiʿī and Ibn Qutayba. Al-Ṭaḥāwī has recognized and taken on this responsibility in his *Mushkil al-Āthār*. His change from the defensive, adversarial tone that characterizes the works of al-Shāfiʿī and Ibn Qutayba is an indication of the relative success of the concept of duality of revelation and the increasing confidence of its adherents. Nevertheless, that relative success did not signal the end of outright opposition to the authority of the *Ḥadīth* or to the criticisms leveled against them.

Ongoing criticism of the *Ḥadīth* provided the motivation for al-Ṭaḥāwī's successor Ibn Fūrak, more than three-quarters of a century later. In *Bayān Mushkil al-Ḥadīth* (The Elucidation of the Problem of *Ḥadīth*) Ibn Fūrak deals with the issue of anthropomorphic *Ḥadīth* that are used by heretics to slander the religion (*tasallaqa bih1 al-mulḥidūn ʿalā*

al-ʿaʿn fī al-dīn).[6] Like Ibn Qutayba, Ibn Fūrak addresses his book to someone who has asked him to address the criticisms leveled against the *Ḥadīth*. He defines two groups of *ahl al-ḥadīth*: those who have mastered the transmission of the *Ḥadīth* and focus meticulous attention on determining their chains of transmitters in order to distinguish their strength or weakness; and those who have mastered the means of critical inquiry, categories of evidence, and methods of deriving details from the sources, by which they can refute doubts and clarify the real meanings of the *Ḥadīth*. Ibn Fūrak says that the first group is to the religion what a treasury is to wealth, while the second group is like the generals who defend the treasury.[7] Like the previous authors, Ibn Fūrak clearly recognizes that there are perceived problems with the content of the *Ḥadīth* and that such problems are the purview of specialists who possess the knowledge and understanding necessary to interpret their actual meaning. In addition, like his predecessors, Ibn Fūrak considers Prophetic reports (*akhbār ʿan rasūl Allāh*) to be a form of divine revelation, having been revealed in the same manner as the Qur'ān (*jāriya hādha al-majrā wa-munzala hādha tanzīl)*. Just as there are verses in the Qur'ān that are clear (*muḥkamāt*) and self-explanatory and also verses that are allegorical (*mutashābihāt*) and require recourse to something else to be clarified, likewise there are Prophetic reports of these two types.[8] According to Ibn Fūrak, opposition to the adherents of the *Ḥadīth* because of the content of some reports is, on the part of the *mubtadiʿa* (those who introduce heretical innovations in religion), the same as opposition to the Muslims in general on the part of the *mulḥida* (those who impugn religion), because of the content of some verses in the Qur'ān.[9] This position mirrors that of al-Shāfiʿī, Ibn Qutayba, and al-Ṭaḥāwī: problematic reports cannot simply be rejected, but must be dealt with by specialists because they are a form of divine revelation with a status like that of the Qur'ān.

It was fear of just such competing status that reportedly caused ʿUmar ibn al-Khaṭṭāb to prohibit the transmission and writing of *Ḥadīth* during his reign as Commander of the Faithful. The objections attributed to ʿUmar and others that are recorded before, during, and after al-Shāfiʿī's lifetime reappear, in greater number, variation, and detail, in disputes over the *Ḥadīth* recorded by Al-Khaṭīb al-Baghdādī in his *Taqyīd al-ʿIlm* more than half a century after Ibn Fūrak's *Bayān Mushkil al-Ḥadīth*. The reappearance of such stories and the increased variation and detail suggest that the objection to *Ḥadīth* as a competing source of scriptural authority continued and evolved in response to the increased acceptance of *Ḥadīth* as a form of divine revelation.

Al-Khaṭīb al-Baghdādī's *Taqyīd al-ʿIlm*

Another of the most important works dealing with the early controversies over the *Ḥadīth* examined earlier is the late-fifth/eleventh-century work *Taqyīd al-ʿIlm*, by Al-Khaṭīb al-Baghdādī (d. 463/1071). Abū Bakr Aḥmad ibn ʿAlī Al-Khaṭīb al-Baghdādī is a prolific and renowned historian and *Ḥadīth* scholar, praised by both classical and modern biographers alike.[10] From the age of eleven, al-Baghdādī dedicated himself to the study of *Ḥadīth*. His drive to excel in the study and understanding of the *Ḥadīth* fueled his interest in history.[11] It was his dedication to *Ḥadīth*, and to the idea that books are superior to memory as repositories of knowledge that prompted him to bring together reports of the earliest generations of Muslims, including the Prophet himself, prohibiting and permitting the writing down of *Ḥadīth*. Examining the textual content of the reports on both sides of the issue in light of the foregoing analysis provides an even clearer picture of Muslim challenges to the authority of the *Ḥadīth* and the responses to those challenges.

Al-Baghdādī brought those reports together in *Taqyīd al-ʿIlm*. As the title indicates, the book is about recording knowledge. The literal meaning of the word *Taqyīd* is to shackle, or fetter, an animal so that it cannot run away and thus be lost. Recording knowledge keeps it from being lost. For al-Baghdādī, books are superior to memorization as repositories of knowledge.[12] However, in order to argue in favor of books as repositories of knowledge, he must first deal with the reports that are used to argue against writing. Al-Baghdādī opens his introduction with the report in which the Prophet forbade writing anything on his authority other than the Qur'ān. He goes on to mention the existence of both those who take this report at face value and strongly oppose writing anything—*Ḥadīth* or not—in books, and those who permit it. Al-Baghdādī's stated purpose is twofold: to mention the various reports used to support or oppose writing and to show that writing is beneficial not dangerous, and to be encouraged (*mustaḥabb*) and not discouraged (*makrūh*).[13] The reports used to support or oppose the writing of *Ḥadīth* bear on the present study.

It is noteworthy that opposition to the writing of *Ḥadīth* and/or other information was strong enough to attract the attention of one of the foremost scholars of the era, even though it had been more than two centuries since al-Shāfiʿī had articulated the arguments that laid the foundation for the concept of duality of revelation, the major collections of *Ḥadīth* had been compiled, and books in a variety of fields had been written. This suggests that the position of the *Ḥadīth* was not yet as solid

as it eventually came to be. That this fifth/eleventh-century work focuses on the thinking and actions of the first/seventh- and early-second/eighth-century community indicates how much of an impact the perception of the earliest generations had on the Muslim community even centuries later.

Like Ibn Saʿd, al-Baghdādī does not take a position on the authority of the *Ḥadīth*, or the nature of revelation. Instead, he focuses on the efficacy of writing as a means of preserving knowledge. But in the course of doing so he clearly addresses the primary concerns of those who opposed the *Ḥadīth* as an authoritative source of religious law and guidance.

One of the most important features of *Taqyīd al-ʿIlm* is that it contains reports, not found elsewhere, together with some interesting variants of the reports already examined from both the *Ṭabaqāt* and the *Ḥadīth* collections. The significance of these variants will be considered when the specific reports are examined. Al-Baghdādī presents each report with a complete chain of transmitters, includes variations in textual content, and sometimes mentions the quality and soundness of specific chains. Other than this, he does not interrupt the lists of reports with commentary. When he adds his own commentary, he puts it in a separate section with a title such as "The Author's Opinion on That" (*qawl al-mu'allif fī dhālika*).[14]

The book is divided into four sections, each of which is subdivided into several chapters. Although al-Baghdādī's stated purpose is twofold, three-quarters of the work is dedicated to the various reports prohibiting and permitting writing. He presents those reports that disapprove of writing first, followed by a section is entitled "a Description of the Principle Cause of Aversion to a Book of the Ḥadīth" (*waṣf al-ʿilla fī karāha Kitāb al-ḥadīth*). He then presents the reports that approve writing. Within each section, the chapters are arranged chronologically, starting with the Prophet and his companions and finishing with the generation following the companions.

The second section, on the reasons for aversion to a written record of the *Ḥadīth*, is the most pertinent to the present investigation. But the reports in the first and third sections provide additional perspective on overall attitudes toward *Ḥadīth* and writing. Are the objections cited primarily to writing in general, or to the possibility of a book that might rival the Book of God (which is what stands out most distinctly in the stories reported in the *Ṭabaqāt* and the *Ḥadīth* collections)?

The title that al-Baghdādī has given the first chapter of the second section leaves no doubt that this was a central concern: "Fear of Devotion to Something other than the Qur'ān"(*Khawf al-Inkibāb ʿalā ghayr al-Qur'ān*).[15]

'Umar in Taqyīd al-'Ilm

Turning first to the chapter in the second section of *Taqyīd al-'Ilm*, 'Umar once again appears as the central figure opposed to the *Ḥadīth*. Al-Baghdādī opens this chapter with the story familiar from the *abaqāt* and the *Muṣannaf* in which 'Umar seriously considers committing the Sunna to writing, but changes his mind after recalling that a people in the past were brought to ruin when they had written and become devoted to a book that caused them to neglect the Book of God. Ibn Sa'd and 'Abd al-Razzāq presented only one brief version of this story, but al-Baghdādī presents several variations. These include the addition of some terminology that has particular significance for the attitudes being attributed to 'Umar. First, some variants specify that the book to which the people of the past had devoted themselves was "along with" (*ma'*) the Book of God. We also see a declaration similar to the dramatic declaration attributed to 'Umar in the *Muṣannaf*, but not in the *Ṭabaqāt*: *wa-innī wallāhi lā ulabbis Kitāb Allāh Kitāban* (By God, I will never clothe with the Book of God with any book!).[16] In the early version reported by 'Abd al-Razzāq, 'Umar is quoted as saying, "*wa-innī wallāhi lā ulabbis Kitāb Allāhbi-shayy'in abadan*" (By God! I will never clothe the Book of God with *anything*).[17] Now, we see specific mention of another *book* that might clothe the Book of God. This confirms that 'Umar's primary concern was about having more than one authoritative source of religious guidance, which, he is reported as saying, is what brought the people who received the previous scriptures to ruin.[18]

Al-Baghdādī also relates reports from other prominent companions that highlight the same concern. Among these are several from Ibn Mas'ūd in which someone brought him a book containing *Ḥadīth* about the people of the house (*ahl al-bayt*), namely, the house of the Prophet (*bayt al-nabiy*); Ibn Mas'ūd chastises him and recites the opening verses of Sura Yusūf:

> Alif Lam Ra. These are the Verses of the Perspicuous Book. We have sent it down as an Arabic Qur'ān, in order that you may learn wisdom. We do relate unto you the best stories, in that We reveal to you this (portion of the) Qur'ān: before this, you too were among those who knew it not. (12:1–3)

Here, Ibn Mas'ūd is faced with *Ḥadīth* about the people of the Prophet's house, and he is reported to have countered by showing that the Qur'ān contains the "best stories," further highlighting the

tension between the Qur'ān and other sources of religious guidance and knowledge.[19]

For the first time since the arguments of al-Shāfi'ī mentioned earlier, we see the direct citation of a specific Qur'ānic verse quoted to support opposition to the use of *Ḥadīth*. Al-Shāfi'ī reported that his challenger cited Qur'ān 16:89, saying that the Book is "an explanation of everything" (*tibyānan li kulli shay'*). While they are frequently reported as referring to the Book of God as the only authoritative source, nowhere else in these early sources are the opponents of *Ḥadīth* quoted directly as citing specific verses from the Qur'ān in support of their position. This should not be taken to mean that they did not use Qur'ānic arguments, but that the works we have available simply do not give a full account of the arguments and evidence they presented.

Disapproval and Approval of Writing in Taqyīd al-'Ilm

Let us now turn to the first and third sections of *Taqyīd al-'Ilm* in which al-Baghdādī lists reports prohibiting and permitting writing to see what light those reports may shed on early Muslim attitudes toward the authority of the *Ḥadīth*. Al-Baghdādī divides his chapter on the Prophet's prohibition of writing into several subchapters with a list of the reports transmitted on the authority of Abū Sa'īd al-Khudrī, Abū Hurayra, Zayd ibn Thābit, and others that contain the Prophet's objections to writing. The number of reports al-Baghdādī includes is much greater and more varied, both in respect to chains of transmission and textual content, than the reports contained in Ibn Sa'd's *Ṭabaqāt* or the collections of *Ḥadīth*. As was the case with the versions of story about 'Umar from the *Ṭabaqāt*, *Taqyīd al-'Ilm* contains some versions of reports with significant additional wording. The textual content of Prophetic reports transmitted on the authority of Abū Sa'īd in which the Prophet is quoted as ordering his followers not to write anything on his authority other than the Qur'ān and to erase whatever they may written do not vary significantly from those in the standard collections of *Ḥadīth*.[20] But al-Baghdādī presents more of them, with a variety of different chains of transmission. The few reports he presents on the authority of Zayd ibn Thābit all say that the Prophet ordered his companions not to write down his *Ḥadīth*. The particular situations in which Zayd is said to have reported this vary, but the central feature of the different versions is the same.[21] The stories of greatest interest to the present study focus on Prophetic reports transmitted on the authority of Abū Hurayra and reports about Abū Sa'īd al-Khudrī.

The reports transmitted on the authority of Abū Hurayra are variants of a single story, in which Abū Hurayra reports that the Prophet came across some of his companions while they were writing *Ḥadīth* and asked what they were writing. When they answered that they were writing down the Prophet's *Ḥadīth*, Abū Hurayra quotes the Prophet as saying: "Is it a book other than the Book of God that you want? The two communities before you went astray only because they wrote some books for themselves along with the Book of God." This is the sentiment most frequently ascribed to ʿUmar—concern for a book or books that are followed along with the Book of God. But this story is tempered somewhat by following the Prophet's strong reaction to his companions' writing of *Ḥadīth* with Abū Hurayra asking for permission to transmit *Ḥadīth* and the Prophet's agreeing, with a stern warning about the penalty for anyone who falsely attributes something to him.[22] This and other reports that contain permission to transmit Prophetic *Ḥadīth* together with disapproval of writing them down may seem to support the idea that the concern is for maintaining a distinction between the oral and written transmissions. However, this indication is not strong enough to overshadow the primary focus of these reports, which is the concern over competing sources of authority.

The reports about Abū Saʿīd al-Khudrī are also variants of the same basic story. When Abū Saʿīd is asked to write down *Ḥadīth* that he has transmitted, he refuses saying: "I will not write it for you and I will not make it a Qur'ān (*wa-lan ajʿalahu Qur'ānan*)."[23] This too suggests a fear that writing down the *Ḥadīth* will turn them into something like the Qur'ān. Here too the common theme in the stories is the concern for a book other than the Book of God that will be given scriptural authority.

In fact, al-Baghdādī's contemporary Ibn Ḥazm gives the *Ḥadīth* just that authority in *al-Iḥkām* when he describes the second of the "two categories" of divine revelation (*waḥy*): "The second is revelation of transmitted sayings, not an inimitably arranged written composition; it is not recited (*lā matlū*), but it is read (*maqrū'*), and that is reports that have come from God's messenger (peace and blessings be upon him)."[24] Here, Ibn Ḥazm draws a distinction between *matlū* and *maqrū'*. Both words mean something that is read or recited, but the former is generally used to describe recitation of the Qur'ān as Ibn Ḥazm does here. His description of Prophetic reports as *maqrū* clearly indicates that they are a written source. In fact, by the time Ibn Ḥazm wrote these words, the now canonized collections of *Ḥadīth* had been in circulation for two centuries.

Karaite Parallels

As we saw in the stories attributed to ʿUmar, the main objection is that the writing of a book might compete with the Book of God. ʿUmar is portrayed as going so far as to order the burning of individuals' written collections of *Ḥadīth*, comparing them to "the Mishna of the People of the Book." This direct comparison to the Mishna is significant in light of the fact that the Karaites were a strong and thriving presence in the Muslim world at the time the stories of ʿUmar were circulating. The Karaites rejected the idea of an Oral Law and took only the Written Law as divinely authoritative. They rejected authority of both the Mishna and the Talmud as human traditions, in much the same way that some Muslims rejected the authority of the *Ḥadīth*. While some anti-Karaite writings accuse them of taking their antitradition stand from the Muslims, modern scholars consider Karaism to be an inherently Jewish movement, influenced primarily by the intellectual climate of the early Islamic empire.[25]

The disputes between the Karaites, who reject the Oral Law, and the Rabbanites, who accept it, both predate and overlap the similar Muslim disputes over the role and authority of the *Ḥadīth* and it is reasonable to consider some degree of mutual recognition and influence. The late-third/ninth-century Karaite Daniel al-Qūmisī's criticism of the Rabbanites, as cited by Andre Paul in *Écrits de Qumran et Sects Juives aux Première Siècles de l'Islam*, typifies the Karaite position. He criticizes the Rabbanites for "causing the Jewish people to abandon the Law of Moses . . .," which is the perfect Written Law found in the Torah, and "to go astray with laws learned from men . . .," which is the Oral Law found in the Mishna and the Talmud.[26] This criticism closely parallels both the concern raised by al-Shāfiʿī's opponent in section one of *Kitāb Jimāʿal-ʿilm* over giving the uncertain and imperfect reports of men a status equal to the perfect and doubt-free book of God, and ʿUmar's frequently attested concern that the *Ḥadīth* would distract people from the Qur'ān in the same way that the Mishna distracted the Jews.

The Karaites also criticized the Rabbanites for writing down the law that they themselves asserted to be the Oral Law, thus contradicting their own assertion. In the early fourth/tenth century, Salmon Ben Jaroham articulated this criticism in verse in his *Book of the Wars of the Lord:*

> You say that the Rock has given Israel two Laws,
> One which is written, and one which was preserved in your mouths.
> If this is as you say,

Then indeed your deeds are but falsehood and rebellion against God.
The Holy One has given you an oral Law,
So that you would recite it orally,
For, say you, He had deemed it, in His wisdom, a laudable command.
Why, then, did you write it down in ornate script?[27]

Unlike al-Qūmisī's criticism of taking human traditions as a source of scriptural authority, the criticism of writing down something that should remain oral has no parallel in the Muslim disputes over the role and authority of the *Ḥadīth*. Neither al-Shāfiʿī nor Ibn Qutayba make any claim that the *Ḥadīth* are essentially oral, nor do they attribute to their opponents any criticism of writing something that should remain oral. While some reports in both the standard *Ḥadīth* collections and *Taqyīd al-ʿIlm* contain a prohibition of writing together with permission to transmit *Ḥadīth*, there is no assertion that the *Ḥadīth* are an oral as opposed to a written revelation. Moreover, Ibn Ḥazm expressly refers to Prophetic reports as a form of divine revelation that is "read," even though it is "not recited." What remains is the strongest and most frequently stated motive for objection to both the transmission and recording of the *Ḥadīth*: concern that they would rival the authority of the Qur'ān.

It is the concern over a rival source of scriptural authority that is shared by the Karaites and the opponents of the *Ḥadīth*. This parallel is not surprising because both Judaism and Islam are monotheistic, scripture-based religions. Each believes in The One God as the ultimate authority and that He guides human beings through divine revelation. The Karaites and the early opponents of the *Ḥadīth* rejected what they saw as human sayings and opinions being given the status of the Book of God. The Rabbanites and the proponents of the *Ḥadīth* responded to this objection by asserting the existence of two different forms of divine revelation: that which was given to the Prophet (Moses or Muḥammad, respectively) in the Book of God and that which was given to the Prophet in addition to the Book. Rabbanite Jews argued that this second source is the Oral Law, while Muslim proponents of the *Ḥadīth* argued that it is the Prophet's Sunna, which is contained in the *Ḥadīth*.

Opponents of the *Ḥadīth* likely recognized the parallel between the role that the Rabbanites accorded to the Mishna and the Talmud with the role that proponents of the *Ḥadīth* sought to establish for the Prophetic traditions. Both the Mishna and the Talmud existed long before the time of ʿUmar ibn al-Khaṭṭāb. The Karaite Jews in Egypt claimed at the turn of the twentieth century to have an edict dated

20 AH/641 CE, from ʿAmr ibn al-ʿĀṣ, the first Muslim governor of Egypt, prohibiting Rabbanite Jews from persecuting the Karaites.[28] ʿUmar was Caliph of the Muslim empire from 12/634 to 23/644. This places the edict in the latter years of ʿUmar's reign, and if such an edict actually existed it suggests that the tensions between the Karaites and the Rabbanites was known to the Muslim government and that as Caliph ʿUmar would have been aware of it. Therefore, it is not surprising to find the comparison attributed to ʿUmar. However, even if this were not the case, later Muslims were certainly aware of the disputes of the Karaites and Rabbanites. Because ʿUmar's posthumous authority and prestige in the Muslim community was so great, perhaps even greater than that of the Prophet himself,[29] and certainly greater than any living person, attributing such a comparison to him makes sense. Such a concern is definitely in keeping with ʿUmar's reputation as the staunch defender of the Book of God. Whether these attributions actually reflect ʿUmar's position is impossible to determine. What is important, however, is that the Muslims who repeat them believe that they do. This belief and the stature of ʿUmar in the eyes of Muslims lent the concern over competing sources of scriptural authority a great deal of credibility. The fact that these stories are seen most extensively after the successful articulation of the concept of duality of revelation suggests that they likely developed in response to the development and increasing acceptance of that doctrine among Muslims.

Conclusion

A thorough examination of texts ranging from works of al-Shāfiʿī, Ibn Saʿd, Ibn Qutayba, and the *Ḥadīth* collections in the third/ninth century to Al-Khaṭīb al-Baghdādī's *Taqyīd al-ʿIlm* in the fifth/eleventh century clearly demonstrates that the primary reason for objections to the transmission and recording of the *Ḥadīth* was concern about the writing down of materials that might be vested with sacred authority and rival the Qur'ān as an authoritative source of religious law and guidance; at the same time, the stories of approval and permission, together with the common existence of books since at least the second and third century AH, indicate that the reported disapproval was not an objection to the practice of writing itself.

Although reports that contain a prohibition of writing together with permission to transmit *Ḥadīth* orally do suggest a distinction between oral and written narrations that could be considered similar to the

Rabbanite concept of the Written and Oral Laws, the arguments of al-Shāfiʿī that were introduced in support of the duality of divine revelation contain no suggestion that the distinction between the two types is a matter of one being written and the other oral, nor do the concerns he and Ibn Qutayba attribute to the opponents of the *Ḥadīth* suggest this. The specific terminology used in the reports of disapproval and prohibition, together with references to previous communities that followed a book or books along with the Book of God leave no doubt that this is the overriding concern fueling the opposition to the disapproval or prohibition of writing the *Ḥadīth*, which is attributed to the Prophet and some of his most prominent companions.

The success of the doctrine of duality of revelation in overcoming the objections to *Ḥadīth* as an authoritative source of religious law and guidance in mainstream Islam further confirms the view that the objection to *Ḥadīth* was about using something other than divine revelation as an authoritative source of religious law and guidance. Once the *Ḥadīth* had the status of divine revelation, they came to be seen as the means God used to explain the Book—through the words of his prophet. After that idea gained widespread acceptance, the *Ḥadīth* became the second authoritative source of religious law and guidance for the vast majority of Muslims from at least the third/ninth century until now. For that majority, the issue was settled by al-Shāfiʿī. The *Ḥadīth* represent the inspiration God gave to His chosen Messenger, along with the Qur'ān. As such, they are not only authoritative, but also necessary as an authoritative source of religious law and guidance. Nevertheless, for a minority of Muslims from at least the third/ninth century until now, the *Ḥadīth* constitute "a book other than the Book of God."[30] That minority has become increasingly vocal over the last several decades. The arguments advanced by both sides in the current debates between the mainstream majority and the minority mirror the arguments of their earliest known predecessors in the Muslim community, making the modern-day opposition to the *Ḥadīth* not a Western, Orientalist-influenced heresy, but an indigenous Muslim response to the elevation of the *Ḥadīth* to the status of divine revelation. This is one of two key points that al-Shāfiʿī attributes in *Kitāb Jimāʿ al-ʿilm* to those who reject all Prophetic reports, but which he never addresses. The second key point that al-Shāfiʿī fails to address is the Qur'ānic verse cited by his opponent that describes the Book as *tibyānan li kulli shayyin* (an explanation of everything). These two points are at the heart of the modern-day opposition to the authority of the *Ḥadīth*.

PART 2

Discussions in the Contemporary Period

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CHAPTER FOUR

The Question of Authority in the Modern Period

The issue of the relative authority of the Qur'ān and *Ḥadīth* is not limited to the realm of historical interest. It is also a question of contemporary interest to Muslims. While some modern opponents of the *Ḥadīth* express themselves openly, using their own names, others publish their views anonymously or under pseudonyms for fear of reprisals. The plight of Egypt's *Ahl al-Qur'ān* (People of the Qur'ān) illustrates the gravity of the issue for Muslims. The London-based, international Arabic language daily *al-Sharq al-Awsaṭ* reported in February 2003 that eight Egyptians who call themselves "Qur'ānists" were sentenced by Egypt's Supreme State Security Court to terms ranging from six months to three years for "contempt of religion" for rejecting Prophetic Traditions, seeking to interpret the Qur'ān for themselves and letting their interpretations lead them to differ from traditional Muslims in certain key beliefs and practices. The story earned a place on *al-Sharq al-Awsaṭ*'s front page along with news of the destruction of the space shuttle Columbia.[1] Persecution of suspected Qur'ānists continues in Egypt. In May and June of 2007, Egyptian State Security forces arrested five suspected members of *Ahl al-Qur'ān* and charged them with "insulting Islam."[2] After their arrest, neither lawyers nor family members were allowed to visit the detained Qur'ānists[3] Families of the detainees were also reportedly subject to threats and harrassment and had to flee their homes.[4] The Qur'ānists in Egypt and elsewhere have stirred heated discussions in the Muslim world, but has yet to receive the attention it deserves from academics in Europe and North America. An examination of the discussions currently taking place among Muslims shows that the

issues and concerns are much the same as those seen in the earlier centuries.

The Current Controversies: Sources and Issues

The two distinct strains of opposition to the *Ḥadīth* found among early Muslims also exist today. The first is the opposition to an extra-Qur'ānic source of scriptural authority and the second is the issue of the embarrassing content of some of the *Ḥadīth* that make the religion an object of ridicule. Authenticity is also a concern, and present-day opponents of the *Ḥadīth* often argue that the *Ḥadīth* have nothing to do with the Prophet. However, the overriding concern is about granting scriptural authority to something other than the Qur'ān.

One important difference in the modern period is that we are not dependent on the works of *Ḥadīth* proponents for a glimpse of the views and arguments of their opponents. Because the discussions are recent and ongoing, the works of both proponents and opponents of the use and authority of the *Ḥadīth* are readily available. We can examine these works directly and learn not only the main ideas and arguments of both sides, but also see how each side presents and addresses the views of the other. An analysis of how each side presents opposing views compared with the views articulated by those who hold them can offer some insight into the accuracy of the presentation. This may in turn give us a perspective from which to evaluate the presentation of opponents' views found in the works of early proponents of the *Ḥadīth* on which we must rely as the source of opposing views.

An important aspect of the modern debates is that they involve Muslims from all walks of life. Educated ordinary Muslims, rather than established scholars are the main participants. In his 1999 article "The Coming Transformation in the Muslim World," Dale Eickelman discusses the profound effect that "the unprecedented access that ordinary people now have to information and knowledge about religion and other aspects of their society" is having on religious authority in the Muslim world:

> What distinguishes the present era from prior ones is the large number of believers engaged in the "reconstruction" of religion, community, and society. In an earlier era, political or religious leaders would prescribe, and others were supposed to follow. Today, the major impetus for change in religious and political values comes from below.[5]

The modern challenges to the role and authority of the *Ḥadīth* illustrate Eickelman's point—educated, ordinary Muslims rather than religious scholars or clergy are the ones who promulgate them. As Brown and Juynboll's analyses show, the debates make use of the popular press and self-published books and journals. This trend continues in the latter half of the twentieth and the beginning of the twenty-first centuries. Although as Brown points out, the opponents of the *Ḥadīth* have never attracted a large following, the arguments continue to emerge throughout Muslim history down to the present day. Brown maintains that the opposition to the *Ḥadīth* has helped to shape the doctrine of the proponents of the *Ḥadīth*.[6] Brown traces the beginning of what he calls "Qur'ānic scripturalism" to the early twentieth century in the Indian subcontinent, noting that parallel ideas emerged at the same time in Egypt Besides the discussions in the Indian subcontinent and Egypt examined by Brown and Juynboll, opposition to the *Ḥadīth* was and is taking place elsewhere in the Muslim world, particularly in Malaysia and North America, and offshoots of Parwēz's *Tolu-e-Islam* movement have taken root and flourished from Europe and North America to Kuwait and South Africa.[7] Moreover, the emergence of the Internet and the popularity of the World Wide Web have opened the discussion of the use and authority of the *Ḥadīth* to a broader array of participants and observers than ever before.[8]

Modern-Day Opponents of the *Ḥadīth*

Among the key figures in the modern opposition to the use and authority of the *Ḥadīth* beyond the Indian subcontinent and Egypt are Rashad Khalifa and Ahmad Mansour, Egyptians who settled in the United States, Kassim Ahmed of Malaysia, and Edip Yuksel, a Turkish political and religious writer and activist who immigrated to the United States to escape persecution in his homeland. The works of all four are available both in traditional print media and on the Internet. It is important to note that each of these key figures in the most recent debates was born and raised in a traditional Sunnī family in a Muslim country. While they may have done advanced studies in Western countries, they came to the West as adults with their respective cultural, social, and ethnic backgrounds. They are not "Westerners" who are seeking to "Westernize" Islam to fit their culture. This is significant because one of the most frequent criticisms of the modern-day opposition to the authoritative status of the *Ḥadīth* is that it is an essentially "Western"-influenced assault on Islam.

Globalization has brought the world's countries and cultures into contact, and ideas and influences no doubt flow from one culture to another. However, this is not true only of the modern period. During the Abbasid Caliphate (750–1258 CE), which is generally seen as the height of the Islamic Empire, Muslims traveled extensively throughout the world, and people from all countries and cultures traveled to the center of the Eastern Islamic Empire, Baghdad. The works from that period which were discussed in part one clearly establish the fact that the opposition to the *Ḥadīth* as an authoritative source of religious law and guidance is not a modern-day heresy. The works and authors that will be examined here show that the modern-day opposition is also not an essentially Western attempt to undermine Islam. In reality, it is an essentially Muslim response to an essentially Muslim concern, just as it was more than twelve hundred years ago.

In addition to the individuals mentioned earlier, there are various sites on the Worldwide Web where articles are published and discussions are taking place. The present work also looks at some key examples of what is being discussed on these sites in order better to understand the most recent trends in the current debates.

In his analysis of the movements in the Indian subcontinent, Brown has described Ghulām Aḥmad Parwēz as the "most radical of the deniers of ḥadīth."[9] Among those whom Brown discusses, this may well be accurate. However, Rashad Khalifa's arguments are even more radical than those of Parwēz, in presentation if not in content. Parwēz's opposition to the use and authority of the *Ḥadīth* rests primarily on the fact that God did not vouchsafe their transmission and compilation and the Prophet did not command recording them in writing, as was the case with the Qur'ān.

> Now, if there was more revelation (i.e., hadith), then the Prophet's duty should have been to transmit that as well, in a fashion similar to that of the Quran. However, neither did he order it to be written down anywhere, nor did he oversee its memorization, nor did he compile some sort of collection of it, nor did he make any sort of accommodation whatsoever for its preservation.[10]

Brown also cites Parwēz's argument that the Qur'ān continually refers to only itself as revelation and suggests a Jewish origin for the concept of two types of revelation.[11] The ideas articulated by Parwēz are indeed controversial and disturbing to many Muslims, but his positions and presentation seem mild compared to those of Rashad Khalifa.

Rashad Khalifa

Rashad Khalifa, the son of a prominent Egyptian Sufi leader, was born in Kafr al-Zayāt, Egypt in 1935. In 1959, he came to the United States, where he obtained a PhD in biochemistry. He settled in the United States and was active in the local Muslim community. Dissatisfied with the available English translations of the Qur'ān, Khalifa set out to do a translation of his own.[12] In working on the translation, Khalifa began to scrutinize the Arabic initials hat preface certain chapters of the Qur'ān. A computer analysis of the Qur'ānic text revealed numerical patterns related to the initials that according to Khalifa prove the divine origin of the Qur'ān. This brought Khalifa popular acclaim throughout the Muslim world.[13] Khalifa even received a congratulatory letter from the director of the department of research and publications at al-Azhar university's Academy of Islamic Research in March of 1976, praising his efforts to discover secrets of the miraculous nature of the Qur'ān.[14] South African Muslim activist Ahmed Deedat also promoted Khalifa's work in a booklet entitled *Al-Quran, the Ultimate Miracle*.[15] However, the acclaim Khalifa received throughout the Muslim turned to loathing that eventually led to his brutal murder. Those who had once applauded him now condemned him.[16]

What was it that so upset the Muslim world that had once heralded his research as a great service to Islam? Khalifa's discovery of numerical patterns in the Qur'ān was the result of in-depth research into the Qur'ān, but it was not the only discovery he made. Throughout the 1980s, Khalifa would publish a variety of extremely controversial claims based on his understanding of the Qur'ān. The first topic on which he published such claims is the *Ḥadīth*, and it is these claims that are relevant here. An examination of his other claims is well beyond the scope of the present study.

In the preface to his book *Quran, Hadith, and Islam*, Khalifa writes:

> The continued research unveiled a startling fact: that the extremely popular "Hadith & Sunna" have nothing to do with the prophet Muhammad, and that the adherence thereto represents flagrant disobedience of God and His final prophet (Quran 6:112 & 25:31). This finding contradicts the beliefs of Muslim masses everywhere. Consequently, my personal popularity, and even the popularity of the Quran's miracle, plunged to the point of endangering my life and reputation. As it turned out, telling Muslims that "Hadith and Sunna" are Satanic inventions is the same as telling Christians that Jesus is not the son of God.[17]

Khalifa's declaration that the *Ḥadīth* and Sunna were "Satanic inventions" shocked and incensed Muslims around the world. In the book prefaced by this bold statement, Khalifa uses Qur'ānic verses, a few Biblical verses, and even *Ḥadīth* to support his conclusions. For those who accept his findings, he says, "the results include a totally new sense of salvation, and full awareness that the Muslim masses have fallen victim to Satan's schemes."[18] Such a harsh condemnation of the Muslim masses contrasts dramatically with the style of argument used by Parwēz. This difference in style probably accounts for the fact that while Parwēz did encounter strong opposition, he lived to an old age and died from illness. Khalifa, on the other hand, was brutally murdered just before dawn prayers at the mosque he had founded in Tucson, Arizona, in January 1990.[19] Authorities at the time suspected that Khalifa's murder was a result of his controversial interpretations of the Qur'ān.[20] Although no one has ever been charged with the actual killing in Arizona, a member of the militant Muslim group known as *Jamaat al-Fuqra* was eventually convicted of conspiracy to commit murder in the case.[21] Evidence that is more recent suggests a link between Khalifa's murder and Wadi el-Hage, who was recently convicted of conspiracy to commit murder for his role in the bombings of the U.S. Embassies in Kenya and Tanzania in 1998.[22]

What led Khalifa to call *Ḥadīth* and Sunna "Satanic inventions" to which the majority have fallen victim? On what did he base the bold accusation that likely contributed to his death? Khalifa published his arguments in the book *Qur'an, Hadith, and Islam*. The book is short, less than ninety pages, and is not divided into chapters. Instead, Khalifa heads each page with a box that contains a claim. Below this box is the reasoning and evidence he uses to support that claim. Khalifa frequently uses all capital letters and underling or boldfaced type for emphasis. When citing direct quotations from the book, I have reproduced the emphasized words exactly as they are in the original. The first claim that Khalifa presents after the bold preface cited earlier is one familiar to and accepted by all Muslims—even the opponents of Prophetic traditions with whom al-Shāfi'ī debated nearly twelve hundred years ago: "No salvation without obeying the messenger."[23] Khalifa follows this with several Qur'ānic verses in both Arabic and English that specifically command obedience to the Messenger. Khalifa goes on to say, "When delivering God's messages, messengers do not speak on their own initiative." Khalifa then cites verses from Deuteronomy and the Gospel of John that Muslims often interpret as predicting Muhammad's arrival, along with

another verse from the Qur'ān:

> I will raise up for them a prophet like you from among their kinsmen, and will put my words in his mouth; he shall tell them all that I command him. If any man will not listen *to my words, which he speaks in my name*, I myself will make him answer for it . . . (Deut. 18:18–19)
>
> But when He, the Spirit of truth, comes He will guide into all the truth; *for He will not speak on His own initiative*, but whatever he hears, he will speak . . . (John 16:13)
>
> And he (Muhammad) does not speak on his own initiative. (Qur'ān 53:3)[24]

So, Khalifa starts his argument by establishing premises on which all Muslims agree, that obeying the Messenger is obligatory, that Muḥammad's coming as a Messenger was predicted in the previous scriptures, and that Messengers do not speak on their own. By identifying these premises and using them as a starting point, Khalifa has anticipated the response most often made by Muslims when the *Ḥadīth* are challenged—the Qur'ān commands obedience to the Messenger, and that requires acceptance of the *Ḥadīth*. Muslims have inherited this thinking from al-Shāfiʿī, and have used it for nearly twelve hundred years. Khalifa understands this, and even agrees with the initial premise of obedience to the Messenger. Where Khalifa differs with the majority of Muslims is on exactly what obedience to the Messenger requires, and exactly what represents the teachings of the Messenger: "*Muhammad is represented by the Quran* alone."[25] Khalifa then fills the rest of the book with citations of more than seventy verses from the Qur'ān, in both Arabic and English,[26] to support a number of assertions, including:

- The Qur'ān is "complete, perfect, and fully detailed,"
- Muḥammad's only duty was to deliver the Qur'ān,
- Muḥammad was actually forbidden from explaining the Qur'ān,
- Obeying the Messenger is following only the Qur'ān,
- Religious practices came from Abraham, not Muḥammad,
- "*Ḥadīth*" and "Sunna," as they are understood by the majority of Muslims, are "100% conjecture,"
- The Qur'ān is the only source of religious guidance and the only "Ḥadīth" that Muslims should follow.[27]

For each of these points he cites specific verses. Because of the large number of verses he cites, I will only mention certain key verses used for

the points listed here. Among the key verses that Khalifa cites to support his assertion that the Qur'ān is complete and fully detailed are 6:38–39: "We did not leave anything out of this book, then all will be summoned before their Lord (for judgment). Those who do not believe our verses are deaf and dumb: in total darkness. God sends astray whomever He wills, and directs whomever He wills in the right path."

He then cites portions of 6:114–115: "Shall I seek other than God as a source of law, when He revealed *this Book to you fully detailed* . . . The word of your Lord is *complete* in truth & justice." Khalifa challenges Muslims by citing these verses under the heading, "*Do you believe God or not*?"[28] The challenge seems clearly directed toward those who would argue, as al-Shāfiʿī did, that the *Ḥadīth*, as a repository of the Prophetic Sunna, are a necessary complement to the Qur'ān. How can a "complete" book require a "complement"? Khalifa's none-too-subtle suggestion is that no one who believes such a thing believes God. One who does not believe God is a disbeliever. As he did in his preface, Khalifa is once again harshly condemning the vast majority of Muslims. This too is a very serious charge and one that would only anger many Muslims.

One of al-Shāfiʿī's strongest arguments in favor of the need for *Ḥadīth* had to do with the details of obligatory religious practices. More than half of *Kitāb Jimāʿal-ʿilm* and much of the *Risāla* are devoted to this issue, and this reasoning has been accepted and used by Muslims ever since. Khalifa understands this point too. He tells us that "their favorite question" is "If the Quran is complete (as God says), where do we find the details of Salat [*sic*] prayers?" Khalifa's parenthetical insertion is yet another none-too-subtle implication: those who ask this question do not believe what God says. He further states that the question "reveals their total ignorance of the Quran."[29] Khalifa's response to "their favorite question" is that all religious practices come to us from Abraham, in support of which he cites verse 22:78:

> You shall strive in the cause of God as you should. He has blessed you and imposed no hardship in your religion; the *religion of your father Abraham*. Abraham is the one who named you "Muslims" in the beginning. Thus, the messenger serves as a witness among you, just as you serve as witnesses among the people. Therefore you shall observe the Salat prayers, give the Zakat charity, and hold fast to God; He is your Lord; the best Lord, and the best supporter.[30]

To show that the specific religious practices mentioned in 22:78 were given to Abraham, Khalifa cites 21:72–73. "And we granted him

(Abraham) Isaac and Jacob as a gift, and we made them righteous. And we appointed them imams who guided in accordance with our commandments, *and We taught them righteous works and the observance of Salat and Zakat*."[31] He offers similar verses regarding fasting and the Hajj to show that they too were known and practiced since the time of Abraham.[32] Muḥammad was to follow the religion of Abraham.[33] Muḥammad's contribution to Islam was not the details of religious practices, as these were already known. They are Abraham's contribution to Muslims' religious lives.[34] Muḥammad's contribution was the delivery of the Qur'ān.

Pointing out the Qur'ān's use of the Arabic construction *mā . . . illā*, which he refers to as a "double negative" used for emphasis, Khalifa cites the Qur'ān 42:48 and 5:99 in support of the idea that Muḥammad had "*no* duty *except* delivering (Quran)."[35]

Another argument that Muslims have generally accepted from the time of al-Shāfiʿī to the present is that *Ḥadīth* are needed to explain certain things that have been mentioned in the Qur'ān, beyond the details of religious practices: among these were issues such as the general and the specific, and the abrogating and the abrogated. Here too Khalifa is diametrically opposed to mainstream Muslim thinking. He declares directly that Muḥammad was forbidden from explaining the Qur'ān, citing 75:16–19: "Do not move your tongue (O Muhammad) to hasten the revelation of the Quran. It is we who will put it together as a Quran. Once we reveal it, *you shall follow it*. Then, it is we who will explain it."[36]

What Khalifa offers is radical redefinition of the role of the Messenger as the majority of Muslims have understood it for at least twelve hundred years, which according to Khalifa is a gross misunderstanding. He even points to the *Ḥadīths* from the collections of al-Bukhārī and Muslim in which Muḥammad prohibited writing anything from him except the Qur'ān, as evidence that the advocates of *Ḥadīth* do not even follow their own teachings.[37] However, he does not stop there. He also attacks the idea that Prophetic *Ḥadīth* represent a second form of divine inspiration. As with the role of the Messenger, Qur'ānic verses are Khalifa's weapon of choice, especially verses that use the Arabic word *ḥadīth*.

> These are God's verses; we recite them for you truthfully. In which "*Hadith*," [*sic*] beside God and His verses do they believe in [*sic*]? *Woe to every sinful fabricator*. He hears God's verses, then insists arrogantly on his way, as if he never heard them; promise him a painful retribution. When he learns anything from our verses, he takes it in vain; these have deserved humiliating retribution. Awaiting them is hell; neither their earnings, nor the idols they set up beside God can

> help them; they have deserved terrible retribution. *This is the guidance* and those who do not believe the verses of their Lord will suffer debasement, and painful retribution. (45: 6–11)[38]

To further emphasize his point that the "Quran is the only '*Hadith*' to be followed," and that "all other *Hadiths* are blasphemous and misleading fabrications," Khalifa follows his citation of 45:6–11 with 39:23 and 31:6–7.

> God has revealed the best "*Hadith*"; [*sic*] a book that is consistent, and describes both ways (to heaven and Hell). The skins of those who reverence their Lord shudder therefrom, then their skins and their hearts soften up and receive God's message. Such is God's guidance; He guides whomever He wills. [*sic*] As for those sent astray by Him, no one can guide them.
>
> There are those who advocate vain "*Hadith*" causing diversion from the path of God, without knowledge, and fail to take such actions seriously; these have deserved humiliating retribution. And when our verses are recited to him, he turns away arrogantly, as if he never heard them; as if his ears are deaf; promise him painful retribution.[39]

For Khalifa, there is no middle ground. There is no question of "authentic" or "inauthentic" *Ḥadīth*. For Khalifa, the crucial question is that posed in 45:6, cited earlier. Based on these verses, Khalifa sees anyone who follows any *Ḥadīth* after God and His verses as being described in 31:6. Furthermore, they are "idol worshippers" of Muḥammad who are unaware of their idolatry and think that they are righteous.[40] The real importance of the *Ḥadīth* and Sunna for Khalifa is that they are a "necessary test to distinguish the true Muslim from the false Muslim."[41]

From beginning to end, Khalifa's small book is a vehement indictment of traditional Islam as idolatry that violates the teachings delivered by Muḥammad. It is not surprising that it angered Muslims worldwide who recognized it as a direct attack. However, not all Muslims had this reaction. Some Muslims saw beyond the vehemence of the accusations leveled by Khalifa, and were moved by the Qur'ānic arguments he presented against the use and authority of the *Ḥadīth*. One such Muslim is the Malaysian thinker Kassim Ahmad, author of *Hadith: A Re-evaluation*. Ahmad saw beyond the vehemence of Khalifa's presentation and found value in his work.

Kassim Ahmad

Kassim Ahmad was born and raised in Malaysia in a traditional Sunnī family. In explaining his reasons for writing *Hadith: A Re-evaluation*, Ahmad explains that he held the generally accepted Sunnī beliefs, tempered by Ibn Khaldūn's criteria of checking traditions against the Qur'ān and rational thinking, until he encountered Khalifa's work in 1985. Ahmad says that Khalifa's worked "opened for [him] a way to solve the problem of the Hadith." The "problem" to which Ahmad refers is "their negative effects on the Muslim community" and their "connection to the decline and fall of the Muslims." Because of their negative effects, Ahmad believes it is time for Muslims to completely "re-evaluate the whole heritage of traditional Islamic thought."[42] Ahmad is not unique in his call for such a reevaluation. Many Muslims have actively worked to reform Islam and Muslim thinking in the modern period—thinkers such as Jamāl al-Dīn al-Afghānī, Muḥammad ʿAbduh, Rashīd Riḍā, Fazlur Rahman are among the most well-known. In spite of the efforts of these and other reformers, Ahmad says, "the condition of the Muslim community has not changed much and continues to be precarious." The question that follows, which Muslims must ask themselves is "why?" Ahmad recognizes that a multiplicity of social, cultural, political, historic, economic and other factors play a role, but not all factors play an equal role. Citing Qur'ānic verses that promise victory to believers, that God only destroys unjust communities, and that God does not change the conditions of a people until the people change themselves, Ahmad points to ideology as the most important factor.[43] The failure of modern reform movements must therefore be because of their ideologies. Ahmad identifies clearly what he sees as the basis for the failure of the modern reform movement begun by Abduh at the turn of the twentieth century:

> Muhammad Abduh, the father of this movement, called for the rejection of *mazhab* and *taqlid*, and for the reopening of the door of *ijtihad* and critical assimilation of Western knowledge. His basic references are still the Quran *and* the Hadith. I have pointed out that herein lies the failure of this movement. The Hadith, and everything else, have to be judged by the Quran.[44]

Ahmad's hypothesis is that the early Muslims were successful as long as the Qur'ān was their sole source of religious guidance and that

Muslim society only declined after they granted *Ḥadīth* authority along with the Qur'ān:

> A time came when other teachings, local and foreign, gained the upper hand and submerged the Quran, as witnessed by the following Quranic prophecy: *The messenger will say, "My Lord, my people have deserted this Quran." We thus appointed for every prophet enemies from among the criminals, and God suffices as Guide and Protector.* (25:30–31)
>
> After about three hundred years, extraneous harmful teachings not taught by Prophet Muhammad but skillfully attributed to him gradually gained a foothold in the Muslim community and turned them away from the dynamic invincible ideology that initially brought them success. This ideology, as we shall show, is precisely the hadith.[45]

Although, he clearly identifies the use of *Ḥadīth* along with Qur'ān as the ultimate reason for the decline and stagnation of Muslim society, and calls for a complete reevaluation of Islam's intellectual heritage in order to remedy the problem of the *Ḥadīth*, Ahmad takes pains to make it clear that such a reevaluation is not meant as an attack against classical scholars. Instead, the criticism involved is no more than "a normal scientific procedure," in which all "great [Muslim] philosophers and scholars" have engaged.[46]

Before turning to his reevaluation of the history of the *Ḥadīth*, Ahmad addresses what he calls "the Traditionists' theory" of the *Ḥadīth*. He divides this into four arguments that he addresses one-by-one[47]: (i) Sunna is revelation, (ii) "Obey the Messenger" means "Uphold the *Ḥadīth*," (iii) *Ḥadīth* interprets Qur'ān, and (iv) the example of the Prophet.

In addressing the question of Sunna as divine revelation, Ahmad begins with al-Shāfiʿī's contention that the "wisdom" referred to in the Qur'ān refers to extra-Qur'ānic revelations give by God to Muḥammad. The examination of *Kitāb Jimāʿal-ʿilm* in part one shows that al-Shāfiʿī does not attribute any Qur'ānic arguments to his opponent, but only the suggestion: "Is it possible that he is teaching them the Book in general, and the Wisdom in particular, and that is its rulings?"[48] However, Ahmad offers Qur'ānic support for just such an idea.

Ahmad begins with the premise that the Qur'ān explains itself and proceeds to look at the twenty occurrences of the word *ḥikma* in the Qur'ān; he concludes that "it is obvious that it refers to the teachings of

the Quran, or to general wisdom that all prophet–messengers or moral teachers were endowed with." Among the verses he cites in support of the first part of his conclusion—that the "wisdom" is found in the teachings of the Qur'ān—is 17:39: "*This is part of the wisdom that your Lord reveals to you*, where the word 'wisdom' refers to some thirteen ethical teachings enumerated in verses 22 to 38."[49] Among the verses he cites in support of the second part of his conclusion—that the wisdom is something with which all prophets, messengers or moral teachers were endowed—are 3:81, which states that God has given all the prophets "the Book and wisdom," and 31:12, which states that God granted wisdom to Luqmān. In addition to the verses that contain the word *ḥikma*, Ahmad also offers the verses that describe the Qur'ān as *ḥakīm*, as further support for the idea that the wisdom God gave to Muḥammad refers to the specific teachings of the Qur'ān and not to some type of extra-Qur'ānic revelation. The wise leadership that Muḥammad demonstrated for his community was "consequent upon his acting strictly in accordance with the ethical teachings of the Qur'ān."[50]

After addressing the word wisdom, Ahmad turns to the words *Sunna* and *Ḥadīth*, as they are used in the Qur'ān. He shows two different Qur'ānic uses of the former, the first is in reference to God's system (*Sunna*) mentioned in 48:23, and the second in reference to "the example of the fate suffered by ancient communities," mentioned in 8:38. "None," he says, "refers to the behavior of the Prophet." In his discussion of the Qur'ānic usage of the word *Ḥadīth*, Ahmad cites the same Qur'ānic verses that Khalifa used, and concludes that the Qur'ānic usage "categorically rejects any hadith besides the Quran."[51]

Moving to second of the Traditionist arguments that links obeying the Messenger with following the *Ḥadīth*, Ahmad points out that "the messenger is not an independent agency [*sic*]," but the "agency [*sic*] that delivered the message." Ahmad then mentions those verses that specify that the messenger's only function is to deliver the message. In keeping with the principle that the Qur'ān explains itself, Ahmad points out that all verses that mention obedience to the Messenger do so only in connection with obedience to God. This is further explained, according to Ahmad, by verse 34:46: "Say, 'I exhort you to do only one thing: that you totally submit to God in pairs or as individuals, then reflect. Your friend is not crazy; he only alerts you to evade terrible retribution.' "[52]

Having addressed the issues of the Sunna as a form of divine revelation and obedience to the Messenger, Ahmad takes up the issue of Muḥammad explaining the Qur'ān. As in the case of the Qur'ānic usage of the word *ḥadīth*, he presents the same verses used by Rashad Khalifa,

but in a much milder tone. Like Khalifa, Ahmad also argues that the religious practices of prayer, charity, fasting, and pilgrimage have been inherited from Abraham. He goes on to add that even though this is the case the Qur'ān still makes mention of the main features of these practices and that people learn to perform the prayer from parents and teachers, not from the *Ḥadīth*.[53] Ahmad responds to the final argument of the Traditionist theory—that when the Qur'ān calls the Messenger "a good example" in 33:21, it means that his behavior must be imitated as closely as possible in all things and that this requires *Ḥadīth*—in the same way he responded to the previous arguments, by offering something else from the Qur'ān to explain the meaning of the verse in question. To explain the meaning of "good example" (*uswa ḥasana*) in 33:21, Ahmad cites the fact that exactly the same words are used to describe Abraham and those who believed with him in 60:4: "*A good example* has been set for you by Abraham and those with him. They said to their people, 'We disown you and the idols you set up besides God. We reject you, and you will see from us nothing but enmity and opposition until you believe in God alone.' "[54]

He goes on to point out that this verse explains that the *good example* refers to "one's religious convictions, ideological position and struggle." He also argues that it is unreasonable to think that God would require Muslims to imitate Muḥammad's personal behaviors such as eating and dressing because such behaviors are matters of culture, education, and personal preference.[55]

Now that he has dealt with general arguments offered in support of the need for the *Ḥadīth* as an authoritative source of religious law and guidance, Ahmad presents his argument that the Qur'ān is complete, perfect, and fully detailed. Again, he uses the same verses used by Rashad Khalifa but takes a much milder, less confrontational tone in offering his conclusion. "To place the hadith on an equivalent footing with revelation is to create another source of guidance—an idol. This is the major problem with the hadith." Ahmad tempers his position even further, saying:

> The theory or doctrine that the hadith is an equal source of guidance with the Quran, propounded by Shafi`i, is the most important aspect of the hadith question. Even though we totally reject this doctrine, we do not reject the hadith as a secondary source, provided that it does not contradict the Quran. On this view also, we say that the hadith is an important source of early Muslim social history.[56]

Ahmad's views on the *Ḥadīth*, the nature of revelation, and the role of the Messenger, and the Qur'ānic verses he uses to support those views are essentially the same as those presented by Rashad Khalifa, but his presentation differs dramatically. Not only does he use a much less strident tone, he also appeals to rational thinking, Muslim desires for social reform, and classical Muslim intellectual history to buffer and support his call for reevaluation of the status of the *Ḥadīth* as an authoritative source of religious law and guidance. Ahmad's more tempered presentation was not enough to keep his book from being banned in his home country of Malaysia, nor from his being declared a heretic. However, his style has not generated the degree of hostility that Muslims directed against Rashad Khalifa. His less confrontational tone may eventually appeal to a wider audience, particularly now that it has been translated from Malay into both English and Arabic.

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CHAPTER FIVE

Internet Resources and Discussions

The rapid expansion of the World Wide Web over the last several years has offered an unprecedented opportunity for groups and individuals to publicize information and share ideas. The virtually unrestricted and anonymous nature of the Web requires wary consideration on the part of the reader or researcher because all control and authentication of information that is posted relies on the diligence and integrity of the authors and those who post information. The kinds of checks and balances that are a normal part of other print and broadcast media are practically nonexistent on the Web. But the same qualities that require wariness on the part of anyone seeking information on the Web also allows people to share controversial ideas much more freely, with less fear for their personal safety than if they were to present such ideas in person, or in more traditional print or broadcast media. As the experiences of the Egyptian Qur'ānists, cited earlier, and the murder of Rashad Khalifa demonstrate, openly advocating the following of the *Qur'ān alone*, and challenging the acceptance of *Ḥadīth* as an authoritative source of law and guidance in Islam can be a direct threat to life and liberty. The World Wide Web offers a much safer alternative forum for sharing and discussing such controversial ideas. Those who advocate the Qur'ān alone appear to be taking full advantage of the unique opportunity offered by the Internet to disseminate their ideas, to meet others who are like-minded, and to hone and develop their arguments by debating with those who oppose their views. Some do so anonymously, or using a pseudonym for personal safety, while others do so quite openly using their own names. The present study examines several of the most prominent Qur'ānist websites and an Islamic discussion forum where Qur'ānists and more traditional Muslims are debating the issues related

to the status and authority of the *Ḥadīth* that we have so far been examining in books.

Edip Yuksel

Edip Yuksel, a friend and colleague of the late Rashad Khalifa, is a prominent figure among advocates of the doctrine of *Qur'ān alone*. His works are published in the traditional print media, and he also maintains two active websites. He uses his own name and picture on his websites and publishes under his own name. Born and raised in Turkey, like Kassim Ahmad and Rashad Khalifa, Yuksel comes from a traditional Sunnī background. Like Ahmad, Yuksel was introduced to the idea of following the Qur'ān alone through the works of Khalifa. Before encountering Khalifa's work, Yuksel had been a political and religious activist in Turkey, where he advocated the establishment of a theocratic Islamic state. Khalifa's arguments convinced Yuksel and brought about what he describes as a "paradigm change" in his religious and political thinking. To escape the repercussions of his new way of thinking, Yuksel had to leave Turkey for the United States in 1989.[1]

Although Yuksel initially came to his belief that the Qur'ān is the only legitimate source of religious guidance in Islam, his own writings show much more independence than does the work of Kassim Ahmad. Like Khalifa and Ahmad, Yuksel rejects the *Ḥadīth* using the same Qur'ānic criteria. However, he differs with Khalifa in his interpretations of the Qur'ān on a number of issues, including the specific method of the *Ṣalāt* prayer, and the number of prayers to be done during the day. While Khalifa and Ahmad see these details as inherited from Abraham and passed on through the generations, Yuksel applied his own reasoning to interpret for himself the verses of the Qur'ān that discuss *Ṣalāt*. His study led him to the conclusion that there are three, rather than five, daily prayers required because only three prayers are mentioned by name in the Qur'ān. Yuksel does find the traditional postures of prayer confirmed in the Qur'ān, but not the traditional number of units (*raka'āt*). This is "left to our discretion."[2]

Yuksel's work represents a new trend that has emerged in the modern-day Qur'ānist movement in the last several years, but one that al-Shāfi'ī used as one of his strongest arguments for the necessity of accepting Prophetic reports—fear that people will do whatever they see fit in implementing religious practices.[3] This phenomenon is much more apparent on another Qur'ānist website, Free-Minds.org.

Free-Minds

One of the most interesting and controversial of the Qur'ān only websites is Free-Minds.org. In fact, they place their emphasis on *God alone*. "This website *invites* all people of various beliefs (Sunni, Shia, Christian, Jewish, Buddhist, Bahai, Agnostic, Humanist, and even Atheists) to come and examine for themselves the system of Submission/Islam which is based on *God* Alone."[4] However, they do recognize and use the Qur'ān as their only reference in determining what it means to be "Muslim." Nevertheless, the conclusions to which they come are radically different from those of other people who see themselves as followers of the *Qur'ān alone*. Most have redefined their idea of the role of the Messenger and the nature of divine revelation, based on specific Qur'ānic verses, as the earlier discussion has detailed. The rejection of the *Ḥadīth* has led them to make some changes in their religious practices, but for the most part, they have maintained the idea of the *shahāda*, prayer, charity, fasting, and pilgrimage. The authors of Free-Minds, however, reject the "five pillars" of Islam as a "myth": "Although the [five pillars have] now been taught to over 1-billion people worldwide as being 'Islam' . . . What perhaps may become obvious to readers of this site is that *God* Has provided mankind with a *system* . . . and not a set of rituals."[5]

Each of the traditional five pillars is seen as corrupted, according to the authors of this site, by twisted and incorrect understanding of the Arabic terminology of the Qur'ān. The article section of the site does carry the disclaimer that the articles may not reflect the views of all Free-Minds members, but that they are posted for their "thought-provoking" content.[6] Some articles give an author's name and contact e-mail. Others do not. Some authors are identified only by their first name. There is no way to know whether or not any of the names used are pseudonyms or the author's actual name.

In looking at various articles on just the topic of *Ṣalāt*, one of the only points on which the articles agree is that the traditional form of *Ṣalāt* practiced by the majority of Muslims is incorrect. Among the various conclusions drawn about the meaning and nature of *Ṣalāt*, we find they can be quite different. According to one article,

> Salat is not based on physical performance or a "check-list" of details, but it is a *connection* to the almighty Himself and therefore one's primary focus must always be the "Mind" and the "Message" . . . not the "Body" or its "Motions."[7]

According to another:

> Salat in this simple understanding, is taking an allegiance to *God* for whom our lives are dedicated . . . As such, when we look at the matter of *God's* allegiance "Salat," we find that the faithful are not only upholding them, but that they follow a system of repeating this allegiance regularly so that they always *remember* to whom their actions must be directed . . . We find that the faithful make it a "habit" to recite God's allegiance *twice every-day* . . . Once at sunrise, and once at Sunset.[8]

While according to yet another,

> *Sol-laa* [*sic*] *is not a ritual prayer to God*. Sol-laa is also not any kind of communication to God. Sol-laa is also not any kind of links or ties or bonds or obligations performed specifically between a human being to God.
>
> *Sol-laa* is the commitment, the covenants, the obligations, the duties, which humans must uphold among each other. The *sol-laa* is the whole of God's commandments, which we find in the Qur'ān telling us how to observe the commitments, the obligations and relationships and bonds between humans and in our daily routines. We should observe our commitments or responsibilities in our promises, our dealings with others, our relationships with the people, our family, our parents our children and in all our personal deeds. All our conduct must be observed with God consciousness all the time.[9]

Each of these conclusions has been reached by reading the very same verses in the Qur'ān that deal with *Ṣalāt*, yet each conclusion is different. Free-Minds also contains equally provocative articles dealing with other aspects of religious thought and practice. If ʿUmar ibn al-Khaṭṭāb's fear that a book other than the Book of God would distract people from the Book of God has come true in the status accorded to the *Ḥadīth* by the vast majority of Muslims, al-Shāfiʿī's fear that without the Prophetic traditions people would do whatever they see fit in the name of religious practices is manifested in the variant opinions found on Free-Minds. However, such emphasis on imposing a degree of uniformity in religious practices begs several important questions. Will Islam truly be undermined in some way without such uniformity? Should such divergent opinions and the open discussion of them be considered damaging to religion? Or should they be seen as what Free-Minds says they are

intended to be—thought provoking? Is provoking thought a threat to Islam? There are certainly Muslims who would argue that openly discussing ideas that so radically challenge long and deeply held beliefs about religious doctrine and practice should not be allowed. But it is clear from the early sources examined in part one that equally divergent and contentious debates were occurring in the early centuries of Islam, and Islam and Muslims have survived for over a millennium. In fact, the time when the most open discussions were taking place also happened to be the height of Muslim temporal power. Muslims are once again debating what was debated in the past. It is reasonable to assume that Islam and Muslims will also once again survive the discussion of such divergent opinions. What about the opinions of ordinary Muslims on the issue, those who are aware of and involved in discussions, but who do not write books and articles? It is arguable that their thinking can also provide valuable insight, in addition to what we have seen from books and articles specifically dedicated to the question of the status and authority of the *Ḥadīth*.

Ahl al-Qur'an

The website ahl-alquran.com is the official website of the Egyptian organization known as "Ahl AlQuran: The International Quranic Center" founded by Ahmad Subhy Mansour. Like Rashad Khalifa, Mansour was also born and raised in Egypt. Unlike Khalifa, however, Mansour enjoyed an extensive formal education in Islam and Muslim history. He holds a bachelor's, a master's, and a PhD in Muslim History from the University of al-Azhar, the oldest and most respected university in the Sunnī Muslim world. Dr. Mansour also served as a professor of Muslim history at al-Azhar.[10] Like Khalifa, Mansour's indepth study of the Qur'ān in the late 1970s led him to "new knowledge in Qur'an and ideas nobody else said anything about." Mansour began to write and publicize his ideas in Egypt in the mid-1980s. In late 1987, he was imprisoned. After his release, he moved to the United States, where he stayed briefly with Rashad Khalifa in 1988. He broke with Khalifa and returned to Egypt some months later when Khalifa declared himself a messenger of God. From 1989 until 2001, Mansour continued his research and writing in Egypt, always under the scrutiny of the State Security forces before finally emigrating to the United States. Mansour is grateful for the freedom and opportunity that the Internet offers: "now with the Internet and freedom, the opportunity to publish my work on

Ahl-Al-Qur'an website for free has arrived."[11] Today, the website serves as the primary means of publishing Dr. Mansour's works in Arabic and English, as well as articles by other Qur'ānists. Ahl al-Qur'an also monitors worldwide media coverage of the current situation of Qur'ānists in Egypt, publishing and discussing the coverage on the site.

The site articulates the organization's mission and goals, saying:

> The IQC is committed to spreading a vision of Islam that is true to the letter and spirit of the Quran and that focuses on the consistency between the word of God and democracy and human rights. Our goals are to:
>
> 1) To advocate peaceful reform in the Muslim world based on democracy and human rights and to offer practical strategies for such change;
> 2) To mobilize on the web and convene in person open-minded scholars of the Quran to share research demonstrating the consistency of Islam with democracy;
> 3) To communicate the value of ecumenical democracy to Muslims of all denominations;
> 4) To initiate a real inter-religious dialogue among Muslims, Christians, Jews, and members of all religions who believe in creating societies based upon tolerance and justice;
> 5) To educate Muslims in America to understand and interpret Islam as consistent.[12]

Some of these stated goals have helped to reinforce the popular idea that the Qur'ānists' ideas are part of modern, Western, particularly American, assault on Islam. In its July 11, 2007, column "Matters of Faith," the Egyptian newspaper *al-Ahram Weekly* quotes one Islamic scholar as saying "Quranists are a relatively new import to Egypt," who "only emerged in Egypt in the second half of the 20th century."[13] In an article posted on ahl-alquran.com, dated July 22, 2007, from another Egyptian newspaper *Nahḍat Misr*, the president of the Religious Committee of the Egyptian People's Assembly argues that the Qur'ānists are being supported by America in an attempt to interfere in Egypt's internal affairs and open another "front from which to attack Islam," and that this is part of a centuries-long strategy by the enemies of Islam.[14]

In addition to the politically oriented goals articulated by the Ahl al-Qur'ān, they also stress the same themes found in the works of Rashad Khalifa, Kassim Ahmed, Edip Yuksel, and other proponents of the concept of *Qur'ān alone*: that the Qur'ān is complete, comprehensive,

and sufficient as the sole source of law in Islam, as well as the only tradition (*sunna*) of the Prophet Muḥammad.[15] In contrast to the Qur'ān, which they regard as the true *sunna* of Muḥammad, they see many "so-called 'Hadeeth'" as not only demeaning and insulting to the Prophet, but also as tools used to "entice and encourage terrorism."[16] These themes are consistent with the two distinct strains of opposition to the *Ḥadīth* found among early Muslims: opposition to an extra-Qur'ānic source of authority and troubling content of some of *Ḥadīth* that distort religion and make it an object of ridicule.

The variety of articles found on ahl-alquran.com address issues of belief and practice, offering Qur'ānically based alternatives to what the authors see as problematic elements stemming from more traditional religious interpretations, particularly in areas such as women's rights and freedom of speech and conscience. Like in free-minds.org, authors and participants on ahl-alquran.com freely express their personal understandings of Qur'ānic teachings. Each article carries the clear disclaimer that opinions are those of the article author(s) and do not necessarily reflect the opinions of the organization, or other members or participants. In some cases, those opinions differ dramatically from traditional understandings of such practices as prayer, fasting, and pilgrimage. Others maintain the basic traditional forms of these rituals and practices while removing elements that they see as additions that somehow violate Qur'ānic teachings and principles.

An Informal Online Discussion

Websites that publish articles are only one aspect of the Internet's role in popularizing contemporary discussions on the authority of the *Ḥadīth*. Online exchanges between Qur'ānists and traditional Muslims on discussion forums such as about.com's Islam pages also illustrate how ordinary Muslims view the question of *Ḥadīth* and the challenges to their authority. Muslims from various backgrounds and countries have actively participated in these discussions—some are converts while others have been born and raised as Muslims. The first exchange we will look at is particularly interesting not only because it shows the key issues in the debate, but also because, unlike those whose ideas we have examined so far, it features two Western participants. The first is a British convert to Islam, and the second is a recent American convert. I have reproduced this particular exchange in its entirety because it offers what I believe is representative of how each side sees the key issues involved.

I have reproduced it exactly as it originally appeared, without corrections of grammar, spelling, or punctuation. The American is defending the need for *Ḥadīth*, and the Briton is defending the Qur'ānist view. The latter offers the following:

> Innovation in Islam is to be deprecated, that is what this debate about hadith is all about. A number of us are suggesting that adding the hadith onto Islam was a misleading and unnecessary innovation.[17]

To this, the mainstream American Muslim responds:

> Yes, I am familiar with the argument. Although I am aware this phenomenon has "some" history behind it, I do see this in some ways as a uniquely "American approach"—It's "All" or "nothing," you are either for us or against us, you are a "beacon of peace" or a "nation of evil doers" etc. I do think that fresh interpretations are necessary—and the Qur'an should be the place to start and end such interpretations. We are not so far apart there. Where we differ is that I see it as silly and frankly arrogant to throw everything out—the teachings of the Prophet (Pbuh), and all subsequent scholarship—because we think we can do better on our own. New interpretations need to be firmly rooted in Islamic principles otherwise; it truly will be "innovation," in the most negative of meanings.[18]

It is very interesting that a recent American convert to Islam sees the modern Muslim opposition to the authority of the *Ḥadīth* as a type of thinking that is uniquely "American," particularly since neither the key figures who have published works on the issue, nor the Qur'ānist to whom he is responding is an American. Although he says he is aware that there is "some history" behind the rejection of *Ḥadīth* as a source of religious law and guidance, he clearly seems to be unaware of the extent of that history. He also seems to be unaware that all of the key figures who have spearheaded the modern debates during the last several decades have been born and raised in traditional Muslim families, outside the United States. This too probably contributes to his view of opposition to the *Ḥadīth* being grounded in a uniquely "American approach" that is somehow not in keeping with Islamic principles. This type of misconception is not unusual, and it will likely continue to flourish until there is broader recognition of the fact that such opposition is not new, but has its roots in the early centuries of Islam.

The exchange between the Qur'ānist and the Traditionist does not stop there. The Qur'ānist adds the following points:

> All the information is there in the Qur'an all that is required is to understand the Qur'an—in the context of environments the prophet never envisaged. You don't have to innovate anything—just understand what you have already got better. If you understand general principles—you don't need specific rules. If you need specific rules—then you don't understand general principles. This is the whole essence of the Protestant reformation, and intellectual leap Islam has yet to make.[19]

Here again, we see the argument that is central to the opponents of the authority of the *Ḥadīth*: that the Qur'ān contains all the religious guidance that is needed. This is a position that is stressed by all advocates of the Qur'ān alone, regardless of any differences of opinion they may have on other issues. This discussant is also clearly equating opposition to the authoritative status of the *Ḥadīth* on the part of some Muslims with the Protestant Reformation. Moreover, he sees the Reformation as a positive intellectual advance for Christianity, one that was facilitated by the idea that rational people can approach revealed scripture directly and interpret it for themselves in order to adapt to changing situations. He sees the *Ḥadīth* as an innovation that stands in the way of Islam undergoing a similar reformation that would be beneficial for the religion. However, his counterpart looks at the issue quite differently.

> Well this point [that all necessary information is contained in the Qur'ān] is hotly contested by many. I understand the argument—there is no point in rehashing it.
>
> The general principles or bigger picture is what is most important. However, some rules are necessary to keep "limits" on what we are trying to within the bigger picture or more importantly, if we are somehow trying to reshape the bigger picture.
>
> The point I was trying to make is that the reformation in many ways led to the demise of Christianity. It was necessary in the sense of escaping the clutches of a corrupt catholic church—but it also led to such innovations as "National Churches," and the belief that Good works are not necessary as long as you proclaim faith in Jesus. The rationalism inherent in Protestantism also led people to put "religion in its place" and led to the very secular societies

today—where so many wear crosses as jewelry and profess faith in Jesus—but very few follow his teachings.[20]

Unlike the person to whom he is responding, this discussant sees the Reformation as something quite negative for Christianity, crediting the "rationalism inherent" in the Reformation with the demise of Christianity, and the emergence of a secular society. The implication here seems to be that if Islam were to undergo a similar reformation, it would suffer a similar fate. He sees following the *Ḥadīth* and the teachings of scholars as a means to protect against that. In comparing the opposition to the authority of the *Ḥadīth* with the Protestant Reformation, and in assuming the "inherent rationalism" of the Reformation, both men seem to imply that the use of *Ḥadīth* as an authoritative source of religious guidance is contrary to rationalism. For the Qur'ānist that is a fatal flaw. For the Traditionist, it is positive and it is rationalism that is flawed.

The statement that rules are necessary to put some kind of limit on what people do within the general principles of religion mirrors al-Shāfiʿī's concern that without the limits set by Prophetic traditions, people will do whatever they think is appropriate in anything not clearly delineated in the Qur'ān. This issue is as crucial to the modern day supporters of the authority of the *Ḥadīth* as the sufficiency of the Qur'ān is to those who oppose the authority of the *Ḥadīth*.

Conclusion

The examination of both early and contemporary controversies over the use and authority of the *Ḥadīth* clearly demonstrates that the primary question, both then and now, is about the necessity and legitimacy of a secondary source of scriptural authority outside the Qur'ān. Opponents of the *Ḥadīth* in both the early centuries and today object to granting the *Ḥadīth* status equal to, or even greater than that of the Qur'an. Proponents of the *Ḥadīth* in both the early centuries and today insist that the *Ḥadīth* are absolutely necessary to the practice of the religion and that they are also a source of divine revelation that was given to the Prophet along with the Qur'an. Both al-Shāfiʿī and Ibn Qutayba criticized those who rejected Prophetic reports for disagreeing on religious issues and practices. Just such disagreements are readily apparent among those who currently reject *Ḥadīth*.

When we compare the early arguments with those of current day opponents of the use of *Ḥadīth* as an authoritative source of religious law

and guidance, we see that the key issues they raise are the same. Given that the key issues are the same, it is reasonable to suggest that just as the current day proponents of the *Ḥadīth* apply the reasoning used by al-Shāfiʿī and other early proponents of the *Ḥadīth*, opponents of the *Ḥadīth* in the early period likely applied the same kind of reasoning as their modern counterparts in the interpretation of various Qur'ānic verses. The two sides have quite different understandings of the role of the Messenger, the nature of divine revelation, and what it means to obey the Messenger. What they agree on is that the Qur'ān is from God and that Muḥammad is the Messenger who delivered it.

The early proponents of the *Ḥadīth* succeeded in winning over the majority of Muslims, and the opponents of the *Ḥadīth* were eventually marginalized, but this seems to have taken several centuries. Now, the debates have reemerged with considerable fervor. It is still a small minority of Muslims who are completely opposed to any authoritative scripture other than the Qur'ān. The vast majority, including religious reformers and activists, take both the Qur'ān and the *Ḥadīth* as their sources of guidance. Nevertheless, it is clear, in both the early period and today, that the opposition to the authority of the *Ḥadīth* is not a modern-day, Western, Orientalist-influenced heresy as some Muslims would like to believe. Rather, it is an essentially Islamic response to inherently Islamic concerns, with roots that reach deep into Islamic history.

How the current debates will play out remains to be seen. We cannot know whether the Qur'ānist movement will continue to gain momentum and strength, or once again be marginalized. However, it is certainly a movement that deserves a degree of scholarly attention and scrutiny that it has yet to receive.

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PART 3

The Book of the Amalgamation of Knowledge

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CHAPTER SIX

A Translation of Kitāb Jimāʿal-ʿilm

Translator's Introduction

As the previous discussion demonstrates, *Kitāb Jimāʿal-ʿilm* is perhaps the most important work dealing with the authority of *Ḥadīth* from the formative period of Islam because it contains the earliest know articulations of the arguments that laid the foundations for that authority. The arguments contained in the *Jimāʿal-ʿilm* influenced all subsequent discussions on the issue and are still used today, more than a millenium after it was written. The seminal nature of the text makes translating it particularly appropriate in this book.

Al-Shāfiʿī's work presents a number of interesting challenges when attempting to translate it into English. The first of these challenges is the title of the work. This title presents two challenges. One of these is how to render the noun *Jimāʿ*. This is a noun that refers to something that is comprised of a number of different things; in the case of the work in question the things are aspects of knowledge. I have chosen to use the English word "amalgamation" because it seems to best reflect the idea that this is a work that brings together various aspects of knowledge.

Al-Shāfiʿī also makes liberal use of subordinate clauses. Subordinate clauses are a particular challenge in written English, requiring careful and deliberate use of punctuation. The extensive use of subordinate clauses may be a reflection of the fact that in *Kitāb Jimāʿal-ʿilm* al-Shāfiʿī is recording what were originally oral debates. The careful and deliberate use of sentence fragments and subordinate clauses can be highly effective in an oral venue, where timing, tone, inflection, and delivery help to convey meaning. However, such extensive use of subordinate clauses in

writing often makes the text seem rambling, particularly to the modern English reader. Some of al-Shāfiʿī's vocabulary is also particularly challenging. I have inserted notes for such vocabulary where appropriate. Frequently pronoun references are unclear. In some instances, I have placed what I believe to be the most logical referent in brackets within the translation. My aim is to convey al-Shāfiʿī's meaning in the most clear, readable English possible while remaining faithful to his usage to the greatest extent possible without sounding overly stilted.

The translation is based on the texts of four editions of *Kitāb Jimāʿ al-ʿilm*:

1. *Kitāb al-Umm*, vol. 7, edited by Maḥmūd Maʿrajī (Beirut: Dār al-Kutub al-ʿIlmiyya, 1996), 460–483.
2. *Kitāb al-Umm*, vol. 7, edited by Muḥammad Zahrī al-Najjār (Cairo: Maktabat al-Kulliyāt al-Azhariyya, 1961), 271–286.
3. *Kitāb al-Umm*, vol. 7 (Cairo: Dār al-Shaʿb, 1968), 250–262.
4. *Kitāb al-Umm* (alwaraq.com, htttp://www.alwaraq.com/index2.htm?i=147&page=1), 1970–1989.

The Maʿrajī, al-Najjār, and alwaraq.com texts are identical except for the Western punctuation used, often seemingly at random by Maʿrajī. The Dār al-Shaʿb text sometimes varies from the other texts. I have also inserted notes for such variations. I have indicated the pages of the al-Najjār edition that correspond to the translation by a raised, bracketed notation [N. vol.:page], at the left of the line in the translation that corresponds to the first line of the noted page in the al-Najjār edition.

[N. 7:273] The Book of the Amalgamation of Knowledge

Rabīʿ ibn Sulaymān has reported to us that Muḥammad ibn Idrīs al-Shāfiʿī said: I have not heard anyone whom people consider knowledgeable—or who considers himself knowledgeable—dispute the fact that God Almighty and Exalted has made following the command and submitting to the judgment of God's Messenger (peace and blessings be upon him) obligatory, in that God Almighty and Exalted has ordained that everyone other than him [the Messenger] only follow him. Nor [do they dispute the fact] that He [God] has not required adherence to any doctrine, in every situation, except to the Book of God or the Sunna of His Messenger (peace and blessings be upon him) nor that whatever is other than these two [sources] is subordinate to them, nor that God the Most

High's requirement to accept reports from God's Messenger (peace and blessings be upon him) is the same for us and for those before and after us. No one disputes the necessity and obligation of accepting reports from God's Messenger (peace and blessings be upon him) except a faction whose doctrine I will describe, if God Most High wills. Al-Shāfiʿī (may God Most High have mercy on him) said: Furthermore, the adherents of *kalām* and others whom the general public considers jurists are clearly divided about the validity of reports from God's Messenger (peace and blessings be upon him). As for some of them, they are excessive in following blindly, making light of rational inquiry, heedlessness and hastening to obtain authority. I will give you examples that indicate what is behind the doctrines of each group of which I am aware, if God Most High wills.

The Section Relating the Doctrine of the Group that Rejects All [Prophetic] Reports

Al-Shāfiʿī (may God the Exalted have mercy on him) said: Someone considered knowledgeable of the teachings of his school said to me: You are an Arab and the Qur'ān came down in the language of your people, and you have memorized it. It contains the ordinances that God has sent down. If someone doubts even one letter that is obscure to him, you demand that he repent, and if he does not repent, you kill him.

God Almighty and Exalted has said regarding the Qur'ān: *an explanation of everything*,[1] so how can you allow yourself, or anyone else, to say of something that God has made obligatory that in one case the obligation is general; however, in another case it is specific; and in one case the command is obligatory; however, in another case the command is a suggestion, and if he wishes, it is an expression of permissibility?

Your disagreements are primarily based on one, or two, or three *Ḥadīths* that one man has related from another and another, until you reach God's Messenger (peace and blessings be upon him). I have found that you and those who hold your opinion do not consider anyone whom you encounter and prefer for his reliability and memory, nor anyone I have encountered whom you have encountered, free from erring, forgetting, or making mistakes in *Ḥadīths*. Instead, I have found that you say about more than one of them: "So-and-so made a mistake in such-and-such a Ḥadīth and so-and-so in such-and-such a Ḥadīth." I have also found that if a man says about a *Ḥadīth* by which you have made something lawful or prohibited, on the basis of something known

only to a few elite: "God's Messenger (peace and blessings be upon him) never said that, you or whoever related it to you has made a mistake, or lied," you do not ask him to repent. You do nothing more than tell him, "You have said something pernicious."

Is it permissible that one introduce a distinction into one of the rulings of the Qur'ān by means of a report from someone who is as you have described concerning him, when its obvious sense is *one* for anyone who hears it, and then you give their reports the standing of the Book of God: allowing and forbidding according to them?

He [al-Shāfiʿī] said: Then I say: We render [a judgment] by means of comprehensive knowledge, or a truthful report, or analogy, and the reasons we choose them are varied. If we render [a judgment] by all of them, some are stronger than others are.

He said: What, for example?

I said: I render [a judgment] against a man through his admission, or through testimony, or his refusal to take an oath, or the oath of his adversary. An admission is stronger than testimony; testimony is stronger than refusing to take an oath or the oath of his adversary. Even though we give a single judgment, with us the reasons we choose them are varied.

He said: If you maintain your acceptance of their reports while they [the reporters] [N. 7:274] possess what I mentioned of the conditions in which you accept them, then what is your argument against whoever rejects them, saying: "I do not accept anything of them [the reports] in which there may be doubt. Nor do I accept anything except what I can witness according to God, as I witness His Book which does not contain doubt regarding even a single word of it." Or: "Is it possible for something that is not part of comprehensive knowledge to stand in the place of it?"

I said to him: If someone knows the language of the Book and rulings of God, that knowledge will point him toward accepting the truthful reports from God's Messenger (peace and blessings be upon him). The distinction between what God's Messenger (peace and blessings be upon him) indicated and the rulings of God[2] . . . That indicates the position of God's Messenger, if you have not witnessed it, the single report and the widespread report.

He said: Yes.

I said: But you have rejected them, if you believe what you say.

He said: Will you produce something like that [the preceding example] for me whereby the proof for the acceptance of reports will be established? If you produce it, it will increase the clarity of your argument and strengthen your argument against those who oppose you, and be more attractive to the one who leaves his doctrine for yours.

Then I said: If you follow a pursue equity, some of what I have said indicates that you are maintaining your position, with something from which you should move away. You know that your neglect of it extends to matters of religion that it is not proper for you to neglect.

He said: Mention something that you have in mind.

I said: God, Almighty and Exalted has said: *He is the One who has sent among the unlettered people a Messenger from among them, reciting His signs to them, purifying them, and teaching them the Book and wisdom.*[3]

He said: We already know that the book is the Book of God. But what is the wisdom?

I said: The Sunna of God's Messenger (peace and blessings be upon him).

He said: Is it possible that he is teaching them the Book in general, and the wisdom in particular, and it is its rulings?

I said: It means that he explains for them from God Almighty and Exalted, for example, what he explained to them regarding the general obligations such as prayer, charity, pilgrimage, and others. It is God who has established some of His ordinances in His Book, and explained how they are by the tongue of His Prophet (peace and blessings be upon him).

He said: Indeed, that is possible.

I said: If you hold this opinion, it means, in the first place, his accepting that which does not reach him except through reports from God's Messenger (peace and blessings be upon him).

He said: And if I am of the opinion that it is reiteration of the wording?

I said: Does he think in the first place that when the book and wisdom are mentioned that they are two things, or one thing?

He said: It is possible that they are as you have described: a book and a Sunna, in that case, they are two things. However, it is possible that they are one thing.

I said: The most apparent is the first of the two. In the Qur'ān, there is an indication of what we have said, and a contradiction of your opinion.

He said: Where is it?

I said: The saying of God, Almighty and Exalted: *Remember what is being recited in your homes of God's revelations and wisdom. God is Sublime, Cognizant.*[4] Thus, He has made it known that two things are recited in their homes.

He said: So, this Qur'ān is being recited. Then how is the wisdom being recited?

I said: It is only the meaning of the explanation that he uttered as he uttered the Qur'ān and Sunna.

He said: This shows more clearly than the first [verse] that the wisdom is other than the Qur'ān.

Then I said: God has made obedience to His prophet (peace and blessings be upon him) obligatory for us.

He said: Where?

I said: God, Almighty and Exalted, has said: *No, by your Lord, they will not believe until they make you the judge in their disputes and then find no hesitation in themselves about your decision, while submitting completely*[5]; and God Almighty and Exalted has also said: *Whoever obeys the Messenger is obeying God*[6]; and He has also said: *Let those who contradict his command beware lest a disaster, or severe punishment strike them.*[7]

He said: The first thing establishes what we have said regarding the wisdom, that it is the Sunna of God's Messenger (peace and blessings be upon him). But what if some of our colleagues say that God has ordered submitting to the wisdom of God's Messenger (peace and blessings be upon him) and his wisdom is only what He has revealed, so when one submits to it, he is considered to be submitting to the wisdom of God's Messenger (peace and blessings be upon him)?

I said: God, Almighty and Exalted, has made obeying his orders incumbent on us, saying: *Take what the Messenger gives you and refrain from what he forbids you.*[8]

He said: It is clear in the revelation that it is obligatory for us to take [N. 7:275] what God's Messenger (peace and blessings be upon him) orders and to forbid what he forbids.

He [al-Shāfiʿī] said: I said: Is it obligatory for us and for those before and after us?

He said: Yes.

Then I said: If it is obligatory for us to obey the command of God's Messenger (peace and blessings be upon him) are we sure that if he made something obligatory for us, he would have given us an indication of the manner in which the obligation is to be observed?

He said: Yes.

I said: Do you, or anyone before or after you who did not see God's Messenger (peace and blessings be upon him) find a way to carry out the ordinance of God, Almighty and Exalted, to obey the orders of God's Messenger (peace and blessings be upon him) except through reports from the Messenger (peace and blessings be upon him)?

Even if I infer that only through reports, what has been shown to me indicates that God has made it obligatory for me to accept [reports] from God's Messenger (peace and blessings be upon him).[9]

He [al-Shāfiʿī] said: I also said to him: This is also necessary for you regarding the abrogating and the abrogated.

He said: Mention something of that.

I said: God, Almighty and Exalted, has said: *It is decreed for you that when death approaches one of you, and he leaves property, he should bequeath it equitably to his parents and relatives.*[10]

He has said, regarding inheritance shares: *Each of the parents gets a sixth of what he has left, if he had a child, and his parents are his heirs, the mother gets one third. If he has siblings, the mother gets one sixth.*

We contend according to a report from God's Messenger (peace and blessings be upon him) that the verse of inheritance shares has abrogated the bequest to parents and relatives. If we were among those who do not accept reports, and someone said: "the bequest abrogated the inheritance shares," would we find any argument against him except through reports from God's Messenger (peace and blessings be upon him)?

He said: This is similar to the book and wisdom. The proof is established in your favor in that it is incumbent on us to accept reports from God's Messenger (peace and blessings be upon him). I have come to the conclusion that accepting the reports is necessary for Muslims, according to what you have mentioned, and what is similar to it in meaning from the Book of God. Pride will not stop me from openly moving from the opinion I was holding to another, when the proof for it has been established. Indeed, it is my religious conviction that it is incumbent on me to revert from the opinion I was holding to what I have seen is the truth. However, if you see the general in the Qur'ān, how do you make it general one time and particular another?

I said to him: The language of the Arabs is vast, and you may utter something general while you mean by it something particular. Then it will become clear in its expression. I do not come to that by any but a legally binding report. Likewise, it has been revealed in the Qur'ān, and it has been explained in the Qur'ān one time and in the Sunna another.

He said: Mention some part of that.

I said: God, Almighty and Exalted, has said: *God is the Creator of all things.*[11] What is inferred from the wording is general, and what is meant by it is general; and He has said: *We have created you from a male and female and made you nations and tribes that you may recognize each other. Indeed, the most noble among you in the sight of God, is the most pious.*[12] So, every person is created from a male and a female. This is general and the general is meant by it, while it also contains the particular.

He [God] has said: *The most noble among you in the sight of God, is the most pious.* Piety and its different aspects only apply to the mature and those who are not insane.

He has also said: *Oh people, an example has been set for you, so listen to it. Those on whom you call besides God can never create a fly even if they banded together to do so.*[13] It is well known that none of the people at the time of God's Messenger (peace and blessings be upon him) called on anything besides God because belief was with them. What is inferred from the wording is general, and it only means whoever is this way.

And He [God] has said *Ask them concerning the town standing close by the sea. Behold! They transgressed in the matter of the Sabbath,*[14] indicating the transgressors among its people, not it [the town].

And I mentioned to him some things I have written in my book.

The he said: Everything is as you have said. But clarify for me the general knowledge the specifics of which are not found in the Book of God.

I said: God has made the ritual prayer obligatory, do you not find it imposed on the general public?

He said: Of course.

I said: And do you find the menstruating women exempt from it?

He said: Yes.

I said: Do you find alms imposed on wealth in general, and do you find some wealth exempt from it?

He said: Of course.

I said: Do you find that the bequest to parents has been abrogated by inheritance shares?

He said: Yes.

I said: The inheritance of fathers, mothers, and children is generally obligatory; however, a disbeliever does not inherit from Muslims, nor does a slave from a free person, nor does a murderer from his victim, according to the Sunna.

He said: Yes, we hold some of those opinions.

Then I said: So, what leads you to that?

He said: The Sunna, because there is no Qur'ānic text concerning it.

I said: So, it has become clear to you that in the rulings in His Book God has made obedience to His Messenger obligatory, and that God, Almighty and Exalted has put him in the position of explaining what He has revealed specifically and generally, and abrogating and abrogated.

He said: Yes. I continued to hold an opinion contrary to this until the error of those who hold that opinion became clear to me. But there are

two groups of people who hold that opinion. One of the two groups does not accept reports because the Book of God is clear.

I said: What is associated with that?

He said: It leads from one serious issue to another. Then he said: Whoever does [only] what is required of him [in the Qur'ān] as *ṣalāt* and gives the minimum as *zakāt* has performed his duty. There is no established [N. 7:276] time for that, whether he prays two *rakʿat* every day, or he said every few days.[15] Moreover, he says, "Whatever is not in the Book of God is not required of anyone"; while others say: "We accept reports on anything on which there is not a Qur'ānic text." This is nearly the same as what the first said about what is not in the Qur'ān and it comes to the same, or nearly the same situation. He comes to a point of accepting reports after having rejected them; and it leads to his not knowing the abrogating, or the abrogated, or the particular, or the general, and he has committed an error.[16]

He said: The misguidance of these two opinions is clear, and I do not hold either one of them, but is there evidentiary proof by which you permit that which is sacrosanct according to comprehensive knowledge, on the basis of other than comprehensive knowledge?

I said: Yes.

He said: What is it?

I said: What do you say about this man next to me? Is his blood and property sacrosanct?

He said: Yes.

I said: And if two eyewitnesses testify that he killed a man and took his property and that it is this, which is that is in his hand?

He said: I would kill him in retaliation and give the property that is with him to the heirs of the victim.[17]

I said: Even though it possible that the two eyewitnesses testified deceitfully or erroneously?

He said: Yes.

I said: How can you permit [taking] sacrosanct blood and property with certainty, based on two eyewitnesses about whom there is not certainty?

He said: I have been commanded to accept eyewitness testimony.

I said: Do you find a text in the Book of God the Exalted that you are to accept eyewitness testimony about killing?

He said: No, but by way of deduction. I have only been commanded it according to intrinsic meaning.

He said: The evidence for that is that if the Muslims have agreed that killing requires two eyewitnesses, then we hold that the Book carries the

meaning upon which they agree and that they will not collectively err in the meaning of God's Book, even if some of them err.

Then I said to him: I see that you have returned to accepting reports from God's Messenger (peace and blessings be upon him) and to consensus besides.

He said: That is incumbent on me.

I said to him: We find in that case you have permitted [shedding] blood and [confiscating] property that is sacrosanct according to comprehensive knowledge, on the basis of eyewitness testimony that is not comprehensive knowledge.[18]

He said: Thus, I have been commanded.

I said: If you have been commanded to do that according to the reliability of the two eyewitnesses, on the basis of what is readily apparent,[19] then you accept them according to what is readily apparent and only God knows the unseen. But we demand more regarding the *muḥaddith* than we demand regarding the eyewitness. We accept the testimony of people from whom we will not accept even a single *ḥadīth*. We find indications of the reliability or errancy of the *muḥaddith* with those who share [such qualities] with him among those who have memorized the Book and the Sunna—in that are indications. This is not possible in the case of eyewitness.

He said: This has been proven by what you have described of the disparity in rejecting and accepting [prophetic] reports—rejecting a report one time and accepting a similar report another time—along with what you have described clarifying the error of it, and some of the divergent opinions it enjoins on them; and there is evidence of the proof against them and others in what we have described here and in the previous book.

Then he said to me: I have already accepted from you that I am to accept reports from God's Messenger (peace and blessings be upon him) and I know that the indication of the meaning he intended is as you have described—God's ordinance to obey him. Then, if I have accepted his reports, from God, I have accepted that upon which Muslims have agreed and do not differ. I know you have mentioned that they do not agree or disagree except according to the truth, if God Most High wills. Then, what is your view on that for which we[20] do not find a proof-text in the Book of God and no report from God's Messenger (peace and blessings be upon him). Where do you get the opinions you have expressed on those issues that I have heard you being asked, and you answering either affirmatively or negatively? How do you know what is correct and incorrect about it? Do you say it is *ijtihād* based on an unknown source? Or do you say it is arbitrary? Who has given you

permission to allow and prohibit, and make distinctions without an example to follow? If you have allowed yourself that, then someone else is allowed to hold whatever opinion occurs to him, without an example by which he can differentiate between what is correct and incorrect. So, explain, if you can, some of the evidence on which your opinion is based. For unless you have evidence on which your opinion is based, it will be rejected.

Then I said to him: It is not for me, or for any knowledgeable person, to hold that something is allowed or prohibited, nor to take something from someone, or grant something to him, unless he has found a proof text for that in the Book of God, or a Sunna, or consensus, or a legally binding report. As for whatever is not included in one of these categories, it is not permissible for us to render a discretionary opinion according to our approval,[21] or whatever may occur to us. We can only render an opinion as analogical reasoning, on the basis of *ijtihād* pursuant to seeking legally binding reports.[22] If it were permissible for us to render an opinion without an example from analogy by which to distinguish the correct from the incorrect, then it would be permissible for [N. 7:277] everyone to render whatever opinion occurs to him. However, it is incumbent on us and on those in our time that we not render an opinion except whence I have described.

Then he said: What I know is that according to you opinion is restricted unless it is widened in the form of analogy, as you have described. I have two questions for you. One of them is that you mention the evidence you have for using analogy, since analogy based on a piece of certain knowledge, like a Prophetic report is precisely *ijtihād*. So how is rendering an opinion on the basis of other than analogy restricted? Give the shortest answer that comes to you.

I said: God has sent down the Book as an explanation of everything. The clarification pertains to several aspects. Among them is what clarifies His ordinances in it, and among them is what He has sent down in general, and He has commanded *ijtihād* in seeking it. He has indicated what is to be sought through signs He has created in the midst of His servants. He has shown them [His servants] by them [the signs] the correct manner of seeking what He has enjoined on them. Therefore, since He has commanded them to seek what He has enjoined on them, that shows you—and God knows best—two significations of meaning. One of them is that seeking requires an intended goal toward which one turns. The seeker does not seek something arbitrary. The other [signification] is that He has made him responsible for ijtihād in pursuit of that which He has commanded in to seek.

He said: Mention the indication of what you have described.

I said: God, Almighty and Exalted has said: *We see you turning your face to heaven, so We shall surely turn you to a qibla that will please you. Then, turn your face towards the Sacred Mosque.*[23] Its direction is his goal, and that is in front of him.

He said: Yes, indeed.

I said: And He [God] has said: *He is the One who made the stars to guide you in the darkness of the land and sea.*[24] And He has said He has subjected the stars, the night, the day, the sun, and the moon to you.[25] He has created the mountains and the land, and He has ordained the Sacred Mosque where He has placed it in the land and made His creatures responsible for facing it. Among them are those who see the House, and can only be correct in ascertaining its direction. But among them are those who cannot see His House, which is far away from their location, so they turn to face it according to indications in the stars, the sun, the moon, the winds, the mountains, and the clouds. One may use and be guided by all of these in some circumstances, while some of them are independent of others.

He said: This is as you have described, but according to comprehensive knowledge, from wherever you are when you turn to face it, are you correct?

I said: As for comprehensive knowledge, from wherever I have turned to face it, I have fulfilled my responsibility; and since I have not been made responsible for more than this, then yes.

He said: Then according to comprehensive knowledge, are you correctly facing the House by your turning?

I said: This is something for which comprehensive knowledge of its source is not my responsibility. I am only responsible for *ijtihād*.[26]

He said: What are you responsible for?

I said: Turning in the direction of the Sacred Mosque. Thus, I have fulfilled the responsibility. A person does not have comprehensive knowledge of the correct location of the House except by sight; as for that which is not within his sight, the person does not have comprehensive knowledge of it.

He said: Then you[27] say you are correct?

I said: Yes, according to the meaning of what I have said, I am correct based on what I have been commanded.

He said: There has never been a sound answer to this other than what you have said, even though someone says that comprehensive knowledge is required, claiming that he does not pray until he comprehends that he is correct. Although the Qur'ān indicates, as you have described, that he

has only been commanded to face the Sacred Mosque, and facing is the seeking and *ijtihād*, not comprehensive knowledge.

Then he said: If you have some other [evidence], mention it.

Al-Shāfiʿī (may God Most High have mercy on him) said: I said to him: God Almighty and Exalted has said: *whoever among you has killed it intentionally, the compensation is the equivalent of what he killed, in cattle, as two just persons among you judge.*[28] The two engage in *ijtihād* based on equivalence because the specific characteristic differs, so it may be younger or older. Thus, the two just persons are commanded to judge based on equivalence, according to *ijtihād*. He did not grant them judgment until He commanded equivalence. This indicates the same type of thing the previous verse [regarding facing the Sacred Mosque] indicated: If there is *ijtihād* regarding the equivalence, then one is forbidden to judge according to *ijtihād* except on the basis of the equivalence. He has not been commanded that he may pray wherever he wishes when the *qibla* is not visible to him and he does not have comprehensive knowledge by which he can correctly face it, without using *ijtihād* in seeking indications of it; likewise in the case of the game [killed during the Pilgrimage]. It indicates that it is not permissible for anyone to render an opinion about something pertaining to knowledge except by *ijtihād*; and the *ijtihād* regarding it is like the *ijtihād* in seeking the House in the *qibla*, and the equivalence in game. But *ijtihād* is only for those who know the indications of it from a legally binding report, or a text, or a sunna, or consensus. Then he seeks that by analogy and deduction, according to some of what I have described, just as he sought what was not visible to him of the House and what appeared similar to him of the equivalence in game. As for whoever does not have the tools, it is not lawful for him to render any opinion regarding knowledge. An example of this is that God has stipulated justice as a condition of eyewitnesses—and justice is acting with obedience—and rational intellect for testimony. If these things are apparent to us, we accept the testimony of an eyewitness based on what is apparent. It might be possible to seek in-depth knowledge of contradictions, but we are not responsible for what is hidden. Thus, it would not be permissible for us, if we were not in a position of comprehensive knowledge that the hidden is like the apparent, to allow the testimony of whoever came to us if he did not possess the characteristics of [N. 7:278] justice. This indicates what the previous [examples] indicated and clarifies that it is not permissible for anyone to render an opinion regarding knowledge, except according to what we have described.

He said: So, can you supply an indication for me from what people know?

I said: Yes.

He said: What is it?

I said: Have you considered cloth other commodities that differ in defects and fineness? To whom does the judge show it so that he may appraise it?

He said: He only shows those who have knowledge of it.

I said: Because their situation differs from that of those who are ignorant of it because they know its markets on the day that they see it, and the defects in it that diminish it, and what does not diminish it?

He said: Yes.

I said: Don't others know that?

He said: Yes.

I said: Their knowledge of it is *ijtihād* because they compare some things to others according to the market on that day?

He said: Yes.

I said: Is their comparison *ijtihād*, and not comprehensive knowledge?

He said: Yes.

I said: If other intelligent, reasonable people say: "We engage in *ijtihād*," when you do not have comprehensive knowledge that they are correct, don't you say to them: "These [others] engage in *ijtihād* knowledgeably, while you engage in *ijtihād* ignorantly; and so you are being arbitrary."?

Then he said: There is no other answer for them, and this is sufficient as an answer by which proof is established.

I said: If those with knowledge of it to say, "When we do not have comprehensive knowledge, then we render an opinion without comparison and we are satisfied with speculation in today's rate," is that inappropriate for them?

He said: Yes.

I said: And that is someone who is not learned in the Book of God and the Sunna of His Messenger (peace and blessings be upon him) and of what the scholars have said. It is not appropriate for an intelligent, reasonable[29] person to render an opinion except from analogy and restraint in speculative thinking. If it were permissible for a knowledgeable person to omit deduction through analogy and *ijtihād*, then it would be permissible for ignorant persons to render an opinion. Then, perhaps they would have an excuse for the opinion because the error resulted from depending on other than *ijtihād*, and it was brought about by ignorant persons.

He said: Will you produce evidence for me, other than what you have described, that it is appropriate for knowledgeable persons to render an opinion?

I said: Yes.

He said: Mention it.

I said: I do not know of any disagreement about the fact that judges and *muftīs* among our predecessors and those in the centuries after them, until today, made judgments and religious rulings in matters for which there was no proof text from the Book of God, nor a Sunna of His Messenger (peace and blessings be upon him). In that, there is evidence that they judged only by *ijtihād*, if God Most High wills.

He said: Will show me this from a Sunna?

I said: Yes. ‘Abd al-‘Azīz ibn Muḥammad ibn al-Darāwardī informed us, on the authority of Yazīd ibn ‘Abd Allāh ibn al-Hād, on the authority of Muḥammad ibn al-Taymī, on the authority of Basr ibn Sa‘īd, on the authority of Abū Qays, the *mawlā* of ‘Amr ibn al-‘Āṣ, on the authority of ‘Amr ibn al-‘Āṣ, that he heard God's Messenger (peace and blessings be upon him) saying: "If a judge judges using *ijtihād* and is correct, he gets a double reward; but if he judges using *ijtihād* and is mistaken, he gets a single reward"; and Yazīd ibn al-Hād said: "I related this Ḥadīth to Abū Bakr ibn Muḥammad ibn ‘Amr ibn Ḥazm, and he said: ‘Abū Salama narrated something like this to me on the authority of Abū Hurayra.’"

Al-Shāfi‘ī said: Then he said: I have heard you narrate: "If he uses *ijtihād* and is correct, he gets a double reward, and if he uses *ijtihād* and is mistaken, he gets a single reward."

The Section Relating the Opinion of Those Who Reject Isolated [Prophetic] Reports

Al-Rabī‘ informed us, saying: Muḥammad ibn Idrīs al-Shāfi‘ī said: A party agrees with us that affirming the validity of reports from the Prophet (peace and blessings be upon him) is incumbent upon the community. They see what I have recounted of the evidence I presented against those who reject Prophetic reports as proof that they hold to be valid; and they are severe against everyone who opposes it. Subsequently, a group of them spoke with me collectively and individually. I do not remember specific individual or group discussions, or everything that was said to me or that I answered, so that I might recount them. I have already exerted great effort in a thorough examination of everything they presented as evidence, so I will set down some of the things I said and to whom I said them, and I have mentioned some of what I have seen it impose on them. I ask God Most High for protection and success.

He said: A summary of their opinion is that no judge or *mufti* can issue a religious ruling or a judgment except from comprehensive knowledge. Comprehensive knowledge is that is known to be true regarding what is apparent and what is hidden, as witnessed by God, and that is the Book, the agreed upon Sunna, and all that the people agree on and about which they are not divided. The whole ruling is one. We are required only to accept of them what we have said, for example, that the noon prayer is four [units] because that is something that is not disputed, no Muslim opposes it, and no one can doubt it.

I said to him: I believe that you and anyone with you is well aware that what is found in particular, specialized knowledge is not found in general knowledge.

He said: How so?

I said: According to what you have described, general knowledge is that which you find is known to every Muslim you meet, and no one rejects any of it, such as the totality of religious duties that you have described, and the number of prayers, and similar things. However, particular, specialized knowledge is the knowledge of the earliest generation and those who came after them until those you have met. Their opinions and explanations differ about that for which there is no proof text, and when they use analogy, analogy allows disagreement. When they disagree, the divergence is less than one whose disagreement. [N. 7:279] establishes that he is mistaken, according to him. It is likewise according to those who disagree with him. This is not like the first position, and is not said to be analogy. It is possible to be mistaken in analogy. It is not permitted, in your opinion, for analogy to be comprehensive knowledge, or for all of it to be attested to by God, as you claim. You have mentioned things to which you adhere that are, in my opinion, equal to this.

Some of those with him said: Leave this question! In our opinion, it includes much of what you have included, but it does not include all of it.

He said: I will relate something other than what he said.

I said: Mention it.

He said: Knowledge is of several kinds, among them is that which the general public transmits from the general public, has been attested to by God and His Messenger; for example, the totality of religious duties.

I said: This is the aforementioned knowledge about which no one challenges you.

[He said][30] Among them also are texts that permit interpretation, and about which there is disagreement, and when there is disagreement, it is based on what is apparent and general; it is never directed toward what

is hidden, and it is only permitted by consensus of the people. Thus, if they are divided, it is based on what is apparent.

He said: Among them is also that on which the Muslims agree and on which they relate the agreement of those before them. If they have not said this according to a proof text, or a Sunna, then in my opinion, it is has the status of the agreed upon Sunna. That is because their consensus is not based on opinion, because there may be division in opinion.

I said: Describe to me what is next.

He said: Among them is also particular, specialized knowledge. Proof is not established by particular, specialized knowledge unless it has been transmitted in a way that is secure for error. Then, beyond this is analogical reasoning. Something is not considered analogous to something else unless its subject, its source, and requirements are equivalent from beginning to end; thus, it is in the sense of the original. Division about something is not possible according to what I have described of the kinds of knowledge. Things are in accordance with their origins unless the general public agrees to remove them from their origins. Consensus is proof against anything because error in it is not possible.

He [al-Shāfi'ī] said: Then, I said to him: As for what you have mentioned of the first type of knowledge, pertaining to that which the general public has transmitted on the authority of the general public, it is as I have said. What about the second [type], about which you have said the general public does not disagree; rather, they agree on it and relate consensus about it on the part of those before them? Do you know it and describe it, or do you know the general public who are transmitting it on the authority of the general public? Are they as those of whom you have said, in relation to the sum total of religious obligations, "these are the scholars and those who are not considered scholars, and we do not find any sane mature Muslim who doubts that God has ordained that the noon prayer is four [units]"? Or is it another type?

He said: Nay, it is another type.

I said: Describe it.

He said: This [type] is the consensus of scholars, excluding those without knowledge. They must obey them in it because they alone possess knowledge, and they are in agreement on it. When they agree, proof is established by them against anyone who does not have knowledge; but if they are divided, proof is not established by them against anyone. The truth about something on which they are divided is that it goes back to a comparison with something on which they agree. Whatever situation I find them in,[31] shows me the situation of those before them. If they were in agreement on a single aspect, I know that

the knowledgeable people in every century before them were unanimous because they do not agree on a single aspect . . .[32] If they are divided, I know that those before them in every century were divided. It is the same whether their agreement is based on a report that they relate or not, the indication is that they did not agree except based on a legally binding report. If they are divided, whether or not they relate a report on which some of them agree because I will only accept reports on which they agree. As for those that about which they are divided, there may be error in it, and proof is not established by a matter in which there may be error.

He [al-Shāfiʿī] said: I said to him: This allows the invalidation of [prophetic] reports and the affirmation of consensus because you have claimed that their consensus constitutes proof, whether or not there is a report related to it, and their division constitutes refutation, whether or not there is a [prophetic] report related to it.

I also said to him: Who are the knowledgeable people whose consensus established proof when they agree?

He said: They are those whom the people of a country appoint as legal schools. They are satisfied with their opinions and accept their judgment.

I said: Consider the example of the scholars whose consensus constitutes proof. Do you think that if there are ten and one is absent, or is present but does not speak, you will deem their opinion to be proof?

He said: If I were to say: No?

I said: Do you think that if one of the dies or loses his mind it is appropriate for the nine to render an opinion?

He said: If I were to say: Yes?

I said: In like manner, if five of them die, or nine of them, is it appropriate for the one to render an opinion?

He said: If I were to say: No?

I said: In whatever you say, there is contradiction.

He said: Enough of this!

I said: I have found *ahl al-kalām* scattered throughout most countries, and I have found each group of them appointing those who ultimately reach its opinions, and they establish the situation that you have described. Are those they do not accept included among the legal scholars, or are the excluded until [N. 7:280] they agree with them?

He said: If I say that they are included among them?

I said: If you wish, then say it.

He said: I have already said it.

I said: Then what do you say about wiping over slippers?

He said: I say no one should wipe [them], because if they disagree about anything, I refer them back to the basic principle, and the basic principle is ablution.

I said: Do you say the same about everything?

He said: Yes.

I said: What do you say about the mature adulterer? Would you stone him?

He said: Yes.

I said: How can you stone him when some scholars have stipulated that there is no stoning an adulterer because of the saying of God, the Most High: *The woman and the man guilty of adultery, whip each of them a hundred lashes*.[33] How can you stone him and not refer back to the basic principle, that his blood is sacrosanct, unless they agree that [spilling] it is lawful. Those who hold this opinion argue that because he is an adulterer, he is included in the meaning of the verse, and he is to be whipped one hundred lashes.

He said: If I grant you this, it leads to something that exceeds the limit.

I said: Of course.

He said: I will not grant you this. I will give you an answer other than the first.

I said: Speak.

He said: I do not look to a few legal scholars. I look to the majority.

I said: Will you describe the few to whom you do not look? Are they less than half of the people, or a third of them, or a quarter of them?

He said: I cannot set their limit, but [they are] the majority.

I said: So, are ten more than nine?

He said: These are close.

I said: Then set their limit however you will.

He said: I am not able set their limit.

I said: It is as though you want to make this opinion absolutely unlimited. So, if you hold an opinion about which there is disagreement, you say: "The majority [agree] on it." If you want to reject an opinion, you say: "These are the minority." Is anyone other than you satisfied with this kind of answer? I see you have reached a point where you participate in the very division that you have criticized. Do you think that if the total number of legal scholars had been ten, and you claimed to accept only [the opinion] of the majority, and [someone] said: "six of them are in agreement and four disagree with them," would you not have acknowledged that the six were correct and the four in error?

He said: If I were to say: Yes?

I said: In another opinion, two of the six agree with the four, and four [of the six] disagree with them.

He said: Then, I would accept the opinion of the six.

I said: Then you have left the correct opinion because of two and accepted the mistaken opinion because of two. If that is possible one time, and you deny an opinion in which error is possible, then this opinion is contradictory.

I also said to him: Have you considered your saying that proof is only established by the consensus of all legal scholars, in all countries? Do you find a way for them to reach consensus, as evidence is not established against anyone until all of them have met, or the general public transmits [it] on the authority of each one of them?

He said: This does not exist.

I said: Then if you accept [something] from them though particular transmission, then you have accepted that which you have criticized. If you do not accept [something] from each one, except through general transmission, and if you do not accept particular transmission, then we have not found, at the root of your opinion, that on which [scholars in] the countries are unanimous as there is no possibility for it in the first place because, for you, they do not meet in a single place. You do not find reports[34] from them transmitted by the general public on the authority of the general public.

I said: Then, I hear you imitating the proponents of the *Ḥadīth*, while, according to you; they are mistaken by believing in the acceptance of the *Ḥadīth*. How can you consider them to be mistaken in what they follow of understanding and what they associate with it? Then, I hear you imitating those of whom you do not approve. The people with the greatest understanding, according to us and to most of them, are lead by it to follow the *Ḥadīth*. That is the most ignorant of them, according to you, because ignorance is following isolated reports, and likewise most of what they need from the legal scholars. They honor them by it, although one who is just does not exist in the world.

He said: How does he not exist?

He or some of those with him said: I say that in this, I only look to the one whose understanding the proponents of the *Ḥadīth* acknowledge.

I said: There is no country in which there are not some people with similar characteristics. They refute his understanding and consider him ignorant, or [they consider] that it is not permissible for him to render a religious legal decision, or that it is not permissible for anyone to accept his opinion. You know that there is division among the people of every country; moreover, you know that there is division between each

country and others. We know that among the people of Mecca where those who were not about to disagree with the opinion of ʿAʿĀʾ, and among them were those would prefer it. Afterward, al-Zinjī ibn Khālid rendered legal opinions there and among [the people] were those who preferred him as a *muftī* and there were those who favored the opinion of Saʿīd ibn Sālim. The adherents of each of these two considered the other weak, and they exceeded [the bounds of] moderation.[35] You know that the people of Medina used to prefer Saʿīd ibn al-Musayyab, and then afterward, they abandoned some of his opinions. Moreover, in our time, Mālik related *ḥadīth* from some of them and there are many who prefer him. There are others who exceed all bounds against him in multiplying their views. I have seen Ibn Abū al-Zannād excessively disparaging his views. I have seen al-Mughīra and Ibn Abū Ḥāzim and al-Darāwardī holding some of his views, and I have seen those who disparage them. In Kūfa, I have seen people favoring the opinion of Ibn Abū Laylā, disparaging the views of Abū Yūsuf, and I have seen others favoring the opinion of Abū Yūsuf, disparaging the views Ibn Abū Laylā and his [N. 7:281] disagreement with Abū Yūsuf. Others favor the opinion of al-Thawrī, and [still] others, the opinion of al-Ḥasan ibn Ṣāliḥ. Other [information] similar to that which I have described of what I have seen of the divisions among the people of [various] countries has also reached me. I have seen Meccans hold the view that ʿAṭāʾ takes precedence over the successors [of the Prophet's companions] in knowledge, and among the Iraqis there are some who believe that Ibrāhīm takes precedence over al-Nakhaʿī. Perhaps the adherents of each of these prefer to exaggerate the difference between them and those that are preferred over him among the people of the [various] countries. Thus, we see them among those they appoint among the scholars we have met. When the people of the [various] countries are divided in this way, I hear some of them issuing a religious decision, swearing by God that it is not appropriate for so-and-so to issue a religious decision because of the weakness of his intellect and his ignorance, and that it is not permissible for so-and-so to be silent—meaning someone else among the scholars. I have also seen some people saying that it is not permissible for so-and-so to issue a decision because of his ignorance—meaning the one about whom others claim it is not permissible for him to remain silent because of the abundance of his knowledge and intellect. Moreover, I have found the people of every country to be just as I have described with the people of their time. So, where is the agreement, according to you, in the understanding of one, or the understanding of the general public? Their opinion, or the opinion of most of them, is just

as I have described, and something similar has reached me from some who are not present. Then, if, according to you, they agree on a group among them, then you make this group scholars when they agree on something you accept.

He said: If some of them are as divided from others as you claim in their opinions, interpretation, heedlessness, or excellence, then I will only accept from them that on which they are unanimous.

Then it was said to him: When they do not agree that one of them is exceptional,[36] how can you make him a scholar?

He said: No, but they agree that he has some knowledge.

I said: Yes, and they agree that whomever among the *ahl al-kalām* you do not include in the totality of scholars has some knowledge. Then, why have you preferred some of these and left them regarding most these from the *ahl al-kalām*. I can only call you and your approach, the approach of division; nevertheless, you bring together what you claim is consensus. However, in your claim of consensus are elements that require you, with respect to the origin of your views, to change the claim about consensus regarding particular knowledge.

He said: Is there some consensus?

I said: Yes, we praise God very much. In the totality of religious obligations are things ignorance of which is not possible. That consensus is if you say the people agree, you do not find anyone around you who knows something saying to you: "this is not by consensus." This is the approach that validates whoever claims consensus in things from the basics of knowledge, excluding its derivatives and the basics of something else. As for what you have claimed of consensus, where you have encountered division in your own time, which has also been related about the people of every century, examine it critically. Is it possible that this is consensus?

He [al-Shāfiʿī] said: Then he said: Some of your colleagues have claimed consensus in respect to what I have claimed of that, but I have not heard anyone among them mention his opinion, except to find fault with that. That, to me, is faulty.

I said: From where have you and they found fault with it, while another group's claim of consensus is only arrived at from your claiming consensus according to the world community.

He said: We criticize only that we find disagreement in Medina, in every century, about that in which there is a claim of consensus, while consensus is not permissible except according to what I have described: If there is disagreement,[37] it is possible for the majority to have consensus, even though the minority disagrees with them. It is not appropriate [for

someone] to say "consensus," and say "the majority," when he has not narrated anything on their authority. It is also not attribute consensus to the opinion of someone on whose authority nothing has been narrated about anything, just as it is not permissible for disagreement to be attributed to him.

Then I said to him: If what you have said about this is as you have said, then what it requires of you is greater because consensus is in particular, specialized knowledge. If it is not found in a group, it is even more improbable that it would be found in the world.

He said: You have stated your opinion and the opinion of those who say, "consensus is opposed to consensus." So, show me what you have said.

I said: If the consensus of those before you was the consensus of the companions [of the Prophet], or of the successors [of the companions], or of the century that followed them, and the people of your time, then you have established a matter on their authority that you call consensus.

He said: What is it? Give an example of it that I can recognize.

I said: It is as if you hold al-Musayyab to be a scholar of the people of Medina, and 'Aṭā' is a scholar of the people of Mecca, and al-Ḥasan is a scholar of the people of Baṣra, and al-Sha'bī is a scholar of the people of Kūfa among the successors. Then you make what these agreed on consensus.

He said: Yes.

I said: You claim that to your knowledge, they never met in a council. You infer their consensus only through the transmission of reports about them. When you find then giving opinions about things for which you do not find a text [from the Qur'ān] or a Sunna, you infer that they gave their opinions by way of analogy. Then you say that analogy is the established knowledge, which the scholars have agreed is true.

He said: So you have said.

I said to him: It is possible that they were giving opinions for which you do not find a text or a Sunna, and if they did not mention it and what they thought they did not mention, they were giving opinions on the basis of individual judgment, without analogy.

[N. 7:282] He said: Even if this was possible, I do not think that they would have known something and neglected to mention it, or that they gave opinions except by way of analogy.

Then I said to him: Because you have found that their opinions indicate that they held analogy to be required of them, or is this something that you only think because was necessary for them? I also said to him: Perhaps analogy is not lawful, according to them. It is lawful according to you.

He said: I only believe what I have described to you.[38]

Then I said to him: What you have narrated on their authority, that they gave opinions by way of analogy, is an illusion. Moreover, you have made the illusion evidentiary proof.

He said: From where do you take analogy, and deny that any opinion can be rendered except by it?

I said: From a way other than that which you have taken to it, and I have already written about it in another place.

I also said: Have you not considered that those who have transmitted [something] to you on their authority have rendered an opinion for which you do not find[39] a [Prophetic] report, then you imagine that they rendered it as an analogy?

Then I said: If you have found their actions in agreement on something, then it is an indication of their consensus. Has it been transmitted to you on their authority that they rendered opinions by means of isolated individual reports? Ibn al-Musayyab has narrated something on the authority of Abū Hurayra, on the authority of the Prophet (peace and blessings be upon him) and he accepted it, even though there were some in the community who disagreed with him about it, and something on the authority of Abū Saʿīd al-Khudrī about barter, and he accepted it, even though some in the community disagreed with him. ʿAṭāʾ has narrated something about contracts on the authority of Jābir ibn ʿAbd Allāh, on the authority of the Prophet (peace and blessings be upon him) and he accepted it even though there were those who disagreed with him. Al-Shaʿbī has narrated something that he accepted on the authority of ʿAlqama, on the authority of ʿAbd Allāh, on the authority of the Prophet (peace and blessings be upon him) and there are those among the people who disagree with him about it today, and before today. Al-Ḥasan has narrated something that he accepted on the authority a man, on the authority of the Prophet (peace and blessings be upon him) while there are those among the people who disagree with him about it today, and before today. It has been narrated to you that they lived their whole lives rendering opinions in which each on of them disagreed with the judgment[40] of his companion.

He said: Yes, this has been narrated about them.

Then I said to him: These are those you have made leaders in the religion, and you have claimed that acceptance of that[41] upon which they are found to have agreed is incumbent on the general public. Various *Sunnas* have been narrated about each one of them accepting reports in isolation, and their allowing disagreements. Furthermore, you have criticized something they agreed on without doubt, and you have

disagreed with them about it. You have said accepting reports in isolation is inappropriate, and disagreements are inappropriate, and you have imagined that they engaged in analogical reasoning. You have claimed that it is not lawful for anyone to abandon analogy, nor that he renders an opinion except in what he knows. That you opinion is "consensus" is opposed to consensus in this. You have also claimed that they would not have been silent about something then knew, but they died without anyone of them ever saying "we know consensus;" but consensus is the majority of knowledge if it is as you have claimed. Is it not a sufficient criticism of consensus that it has not been narrated that anyone after the Prophet (peace and blessings be upon him) claimed consensus except about that on which no one disagreed, except from people in this time?

He said: Some of the have claimed it.

I said: Do you commend what I have claimed of it?

He said: No.

I said: Then how have you come to participate in most of what you criticize, while you have disparaged [it]? Do you not infer by your method that consensus is abandoning the claim of consensus? You do not improve the view of yourself when you say, "this is consensus," and there is a scholar equal to you who says, "God forbid that this is consensus!" While you claim it is consensus, there is disagreement from every side in a country or [among] most of those who speak to us about it among the people of [various] countries.

He [al-Shāfiʿī] said: I spoke to some who were present. This statement is from them: "With you, we come to the issue of what this requires of you and of us."

He said: What is it?

I said: How do you think that the Sunna of God's Messenger (peace and blessings be upon him) is confirmed?

He said: I hold the first opinion that our colleague expressed to you.

Then I said: What is it?

He said: He claimed it is confirmed in one of three ways.

I said: Mention the first of them.

He said: General reports on the authority of the general public.

I said: Is this like your opinion that the noon prayer is four [units]?

He said: Yes.

I said: This is one of the things on which no one that I know of disagrees. What is the second way?

He said: Reports with multiple, uninterrupted chains of transmission.

Then I said: Define the multiple, uninterrupted chains of transmission for me—the minimum by which reports are confirmed—and give

examples of it, so that we will know what he believes and what you believe.

He said: Of course. If I find these four individuals, for example, narrating one [report], and their narration that God's Messenger (peace and blessings be upon him) forbade or allowed something is consistent, then I look for evidence that they are from different countries and that each of them received the knowledge from someone other than the one from whom his companion received it, and that the one who has conveyed it to us received it from someone from whom his companion did not receive it. If this is the case with their consistent narration from God's Messenger (peace and blessings be upon him) then there is no possibility of error in it.

He [al-Shāfiʿī] said: Then I said to him: According to you, reports from four [people] in adjacent places are not multiple, uninterrupted reports if the people of a place have received them on their authority—unless a Medinan has narrated on the authority of a Medinan, and a Meccan has narrated on the authority of a Meccan, a Baṣran on the authority of a Baṣran, and a Kūfan on the [N. 7:283] authority of a Kūfan, until the *Ḥadīth* of each of them finally reaches a man from among the companions of the Prophet (peace and blessings be upon him) other than the one on whose authority his [i.e. the Meccan, Medinan, etc.] companion received it; and they are all in agreement about the narration on the authority of the Prophet (peace and blessings be upon him)—because of the defect that you have described?

He said: Yes, because if they are all in one place, it is possible for them to conspire about the report, but that is not possible if they are in different places.

Then I said to him: What an evil thing you will have proven against those whom you take as leaders in the religion, if you start it and pursue it.

He said: Then mention what accrues to me because of it.

Then I said to him: Have you considered that if you met a man from the people of Badr—who are preferred and praised by God in His Book—and he reported information to you on the authority of God's Messenger (peace and blessings be upon him) you would not discard it as evidentiary proof, and that his report is not evidentiary proof for you according to what you have described? Shouldn't those who came after them be the first whose single narrator reports are not accepted because of their inferiority in every merit, and that what is possible regarding those whoa re superior to them is even more possible regarding them?

He said: Yes.

I said: Do you appoint judges according to what you have confirmed of authenticated reports? Then appoint Abū Salama in Medina. He narrates to you that he heard Jābir ibn ʿAbd Allāh narrating on the authority of the Prophet (peace and blessings be upon him) about the merits of Abū Salama and the merits of Jābir. Appoint al-Zuhrī. He narrates to you that he heard Ibn al-Musayyab say: "I hear ʿUmar or Abū Saʿīd al-Khudrī say: 'I heard the Prophet (peace and blessings be upon him say) . . .' " Appoint Abū Isḥāq al-Shaybānī. He says: "I heard al-Shaʿbī, or I heard Ibrāhīm al-Taymī, one of the two say: 'I heard al-Barā' ibn ʿĀzib, or I heard a man from among the companions of the Prophet (peace and blessings be upon him) say: 'I heard the Prophet (peace and blessings be upon him) name him.' " Appoint Ayūb. He narrates on the authority of al-Ḥasan al-Baṣrī, saying: "I heard Abū Hurayra or another man from among the companions of the Prophet (peace and blessings be upon him) say: 'I heard the Prophet (peace and blessings be upon him) allowing something, or prohibiting it for him.' " Is evidentiary proof established by this?

He said: Yes.

Then I said to him: In your opinion, is it possible for al-Zuhrī to be mistaken about Ibn al-Musayyab, and Ibn al-Musayyab about whomever is above him [in the chain of transmitters]; and in the case of Ayūb, that he is mistaken about al-Ḥasan, and al-Ḥasan about whomever is above him?

He said: If I were to say yes?

I said: It would require you to confirm the reports of single narrators on the basis of what may contain errors from those whom you encounter, and from those who are below them and above them, and those who are above them and below the companions of the Prophet (peace and blessings be upon him). [It would also require you] to reject the reports of single narrators from among the companions of the Prophet (peace and blessings be upon him) even though the companions of the Prophet (peace and blessings be upon him) are better than those who came after them, and to reject the reports on the authority of the companions of the Prophet (peace and blessings be upon him) because they may contain errors, even though they are the best of people. [It would also require you] to accept [reports] from those who are do not equal them in merit because each one of these has been confirmed on the authority of the one above him [in the chain of transmission], and the one above him has been confirmed on the authority of the one above him, until the report finally reaches God's Messenger (peace and blessings be upon him). This is the approach that you have criticized.

He said: This would be so, if I had said it. However, what if I do not grant you that it is so?

I said: This can only be refuted by retracting it, or abandoning the answer through evasion and withdrawal—and evasion is the most despicable.

He said: What if I say that I only accept reports from established single narrators on the authority of four separate prominent persons, just as I only accept reports on the authority of the Prophet (peace and blessings be upon him) on the authority of four separate prominent persons?

Then I said to him: Do you believe that this is required of you?

He said: Even if we believe in it, [you believe][42] it does not exist at all.

He [al-Shāfiʿī] said: Then I said: Of course, and you know that there are not four [who narrate] on the authority of al-Zuhrī, or even three of whom al-Zuhrī is the fourth [who narrate] on the authority of a man from among the companions of God's Messenger (peace and blessings be upon him).

He said: Of course, but enough of this!

He [al-Shāfiʿī] said: Then I said to him: Who says: "I accept [reports] from four [people], but not three?" What would you think if a man said to you, "I only accept [reports] from five [people]," or another said, "from seventy?" What is your argument against him, and who fixed [the number] four for you?

He said: I only use them as an example.

I said: Will you define[43] someone from whom you[44] accept [reports]?

He said: No.

I said: Or do you know it and not show it because of what it brings to you clearly proving its defeat?

I also said to him or to someone present with him: What is the third way by which reports on the authority of the Prophet (peace and blessings be upon him) are confirmed?

He said: When a companion of God's Messenger (peace and blessings be upon him) has narrated a judgment that he made and no one else disagrees with him, we seek evidence of two matters. The first is that he related it only in their group. The second is that their leaving the rejection of it because of a contradictory report was based only on knowledge among them that it is not as he informs them, and that it is a general report from them.

I said to him: I scarcely see you changing your position, except to offer an even weaker argument than the one you have left.

He said: Clarify for us what you have said.

I said: Is it possible that a man from among the companions of the Prophet (peace and blessings be upon him) to relate a *Ḥadīth* that he has confirmed on the authority of God's Messenger (peace and blessings be upon him) to a man, or a small group in Medina? Is it possible that he is comes to a place and then relates *Ḥadīth* to an individual, or to a group in it, or that he relates *Ḥadīth* to one or more [people] while traveling, or at the time of his death?

[N. 7:284] He said: If I were to say it is not possible for one of them to relate *Ḥadīth* unless he is well known to them?

I said: You sometimes find a number of the successors [of the Prophet's companions] narrating *Ḥadīth*, and only one is named, even though they were well known to them because they heard from others who heard from him. We may also find them disagreeing on something about which a *Ḥadīth* has been narrated on the authority of the Prophet (peace and blessings be upon him). Some of them hold an opinion that agrees with the *Ḥadīth*, while others hold an opinion that disagrees with it.

He said: Whence do you believe that?

I said: If the one who disagrees with the *Ḥadīth* heard the *Ḥadīth* on the authority of the Prophet (peace and blessings be upon him), then he says, "If God Most High wills," of his disagreement.

I also said to him: Ibn 'Abbās and others have narrated on the authority of God's Messenger (peace and blessings be upon him) that the oath is with the eyewitness; and disagreement with it has not been preserved on the authority of any of the companions of God's Messenger (peace and blessings be upon him) that I know of. So, you are required to believe it and make it consensus according to the basic principle of your opinion.

Then some of them said: What he has said of this is not our opinion.

Then I said: I still believe that about it and about other things we have discussed, and God is the Helper.

He said: That the oath is with the eyewitness is the consensus in Medina.

Then I said: No. It is disputed there. However, we act on what is disputed when it has been confirmed on the authority of God's Messenger (peace and blessings be upon him), by the establish means.

He [al-Shāfi'ī] said: I also said to him: Who are those whose opinions, when they agree, authenticate reports, and if they disagree, *Ḥadīth* are rejected because of their disagreements?

He said: The companions of God's Messenger (peace and blessings be upon him).

[I said: In] isolated reports?[45]

He said: No.

I said: Are they emended by knowledge of consensus or by differences in general reports?

He said: Unless I have emended it with general reports, I consider the consensus of the scholars today. If I have found that they did not agree on it, I infer that their differences are based on the difference of those who have gone before them.

I said: Have you considered evidence that their consensus is a report of their group?

He said: Then what do we say?

I said: I say it is not appropriate for anyone to render an opinion until he is aware of their consensus in the [various] countries, nor to accept the opinions of those who are far from his home, or near it, except by means of a group report on the authority of a group.

He said: If I say it?

I said: Say it if you wish.

He said: This may be very restricted.

Then I said to him: In addition to being restricted, it is non-existent. It leads you to contradict analogy. When you claim that it is appropriate for someone to engage in analogical reason, then you have permitted analogy. In analogy, there may be error, and you have refused to accept the Sunna if there may have been error regarding those who have transmitted it. You have permitted the weakest [thing] and rejected the strongest.

I also said to some[one]: Have you considered that your opinion on their consensus, although they have said to you, "we believe in it," shows agreement and division: We do not accept reports about it, and the like of it that which has been confirmed on the authority of those before us. We agree that it is permissible for us to render an opinion by way of analogical reasoning in that for which there is no proof text or Sunna. If we disagree, do you then invalidate the reports of those whose reports and actions with which you agree, and which you have claimed are evidentiary proof, in one thing, then accept them in another?

Have you considered if someone says to you: "I follow them in confirming the reports of the trustworthy, even if they are isolated, and I accept opinions rendered by means of analogy on their authority in that for which there is no report, and I comprehend that they differ, and I shall have followed them in every situation." Is it they who have the

strongest evidence and are the worthiest to follow and the most praise-worthy, or is it you?

He said: Is this what you believe?

I said: Yes.

I also said: Have you considered the meaning of your opinion of the consensus of the companions of God's Messenger (peace and blessings be upon him)? Do you mean that all or most of them hold one opinion, or act in one way?

He said: No, that is not what I mean. That is non-existent; but when one of them relates a *Ḥadīth* on the authority of the Prophet (peace and blessings be upon him) and none among them opposed it by disagreeing, that indicates their satisfaction with it and that they knew that what he said of it is just as he said.

I said: Or perhaps he had not transmitted *Ḥadīth*, and they did not hear him. [Perhaps] he transmitted *Ḥadīth* and someone among them who heard his *Ḥadīth* had no knowledge that what he said was just as he said and that it disagreed with what he said. The transmitter of *Ḥadīth* is only responsible for hearing. If he does not know of its disagreement, then it is not appropriate for him to reject it.

He said: This may be possible according to what you have said, but the leaders are among the companions of God's Messenger (peace and blessings be upon him). One of their transmitters could never speak about a matter, without them opposing it, unless they know that it is just as he has said.

He also said: So, I believe that when a judge has made a judgment and they have no disapproved of it, he had knowledge from them that what he said is the truth; and he knew from them that what he said is the truth, and they must abide by his judgment in it.

I said: Is it possible that they have trusted him according to what is apparent, just as they accepted the testimony of two eyewitnesses according to their apparent trustworthiness?

He said: If I were to say no?

Then I said: If you were to say no, while they have indications by which they have reached and accepted single individual reports, then I would know that you are ignorant of what we have said. If you were to say that while its like is possible, it is not possible, then you would be ignorant of what is required of you.

He said: What are you saying?

[N. 7:285] I said: I am saying that perhaps their silence about the opposition is based on[46] knowledge of what he has said, or perhaps it is

based on a lack of knowledge of it. It is an acceptance of it, and it is based on investigation of it. Most of them did not hear him, not as you said; and there is evidence from them about what they heard his saying from those who, in their opinion, have been established as trustworthy.

He said: Enough of this!

I said to some of them: Do you know that during his rule, Abū Bakr divided property equally between the freeman and the slave, and that he made the grandfather equal to the father?

He said: Yes.

I said: Then they accepted the division and did not oppose him regarding the grandfather during his life?

He said: Yes, but if I were to say they opposed him during his life?

I said: He had intended to judge, while he had opposition.

He said: Yes, but I am not saying that.

He [al-Shāfi'ī] said: Then 'Umar came and favored people based on kinship and precedence [in conversion to Islam] in the division [of property]. He removed slaves from the division and split a share between grandfathers and brothers.

He said: Yes.

I said: Then 'Alī governed, and he divided [property] equally between people.

He said: Yes.

I said: This is according to general reports on the authority of three of them, in your opinion.

He said: Yes.

I said: Say whatever you like about them.

He said: What do *you* say about them?

I said: I say that anyone who pursues *ijtihād* in something for which there is no proof text or Sunna can, if God Most High wills, speak and act according to whatever he considers truth, not according to what you have said. Now, *you* say whatever you wish.

He said: If I were to say that the first course of action is incumbent upon them, and the second and the third courses of action should have been similar to it, not contrary to it? If I were to say, but they did not agree with what about Abū Bakr did during his life, it occurs to me that he has to act on his *ijtihād*, even if they disagree.

I said: Of course.

He said: If I were to say that I do not know this about them, and I will not accept it until I find the general public transmitting it on the authority of the general public, you would say, a group has transmitted such a *Ḥadīth* to us from some of those who have gone before us.

Then I said to him: We do not know of anyone who doubts this, or has narrated anything contradicting it from anyone. If you do not allow something like this to be confirmed, then what is your argument against someone who disagrees with all that you have claimed is consensus, in that he says the like of what you have said?

A group of them who were present said: If God Almighty and Exalted has disparaged disagreement, we disparage it.

Then I said to him, regarding disagreement: Are there two judgments or one judgment?

He said: One judgment.

I said: Then I ask you.

He said: Ask.

I said: Do you allow any disagreement?

He said: No.

I said: Do you know of any Muslim scholars you have encountered, living or dead, who have render religious opinions and may have disagreed with those before them?

He said: Yes.

I said: Say whatever you wish about them.

He said: If I were to say that the have rendered opinions according to what is not allowed for them, then you would say I have already contradicted there consensus.

He [al-Shāfiʿī] said: Of course.

He said: Enough of this!

I said: Is analogy allowed for them?

He said: Yes.

I said: If they engage in analogical reasoning and they disagree, are they allowed to act based on the analogy?

He said: If I were to say no?

I said: Then they say: To what thing do we come?

He said: To analogy.

I said: They said: We did. I see the analogy according to what I have said, and he sees the analogy according to what he has said.

He said: Then, they are not to render an opinion until they agree.

I said: From the regions of the earth?

He said: If I were to say yes?

I said: It is not possible for them to agree; although it is possible for them to disagree.

He said: If they had agreed, they would not have disagreed.

I said: If two have met and disagreed, how can there be an agreement of the majority?

He said: some of them inform others.

[Al-Shāfiʿī said]: They did, and each one of them who disagrees claims that what he has said is analogy.

He said: If I were to say that disagreement is allowed in this situation?

I said: You would have claimed that everyone who disagrees is a judge and abandoned your opinion that there is no disagreement, only one judgment.

He said: What do *you* say?

I said: Disagreement is of two kinds. It is not permissible for anyone to disagree about something for which there is a ruling proof text from God, or a Sunna from His Messenger (peace and blessings be upon him), or a consensus of the Muslims, if he has knowledge of one of these things. In that for which there is not one of these, *ijtihād* is appropriate for knowledgeable people seeking what is similar to one of these three things. Then, when one for whom it is appropriate has engaged in *ijtihād*, it is permissible for him to render an opinion according to the indications he has found that are consistent with the meaning of the text or the Sunna or the consensus. If a doubtful matter appears for which two different rulings are possible, and then he engages in *ijtihād* and his *ijtihād* differs from the *ijtihād* of someone else, it is permissible for him to hold one opinion and for someone else to hold another. This is minor when we examine it critically.

He said: What is your evidence for what you have said?

I said to him: The inferences in the Book, and the Sunna and Consensus.

He said: Mention the distinctions between divergent rulings.

I said: God Almighty and Exalted has said: *Do not be like those who became divided and disagreed after clear evidence had come to them.*[47] He has also said: *And those who were given the Book did not become divided except after clear evidence had come to them.*[48] You see, God has disparaged disagreement on in the situation where evidence has been established for them, and He has not permitted it [disagreement] for them.

He said: I already knew that. So, what aspect indicates to you that disagreement is allowed regarding that for which there is no ruling proof text?

[N. 7:286] Then I said to him: God has ordained that people turn to face the direction of the Sacred Mosque, saying: *And wherever you go, turn your face in the direction of the Sacred Mosque. This is the truth from your Lord. God is never unaware of anything you do.*[49] *And wherever you go, turn your face in the direction of the Sacred Mosque; wherever you are, turn your faces in its direction.*[50] Have you considered when we travel and disagree on the

qibla, the most that is incumbent on me is a direction, and the most that is incumbent on someone other than me is a direction, so what is required of us? If you say the *kaʿba*, even though it is visible in its location it is not visible to those who are far from it, and it is incumbent on then to exert the utmost effort they can in seeking its direction. It is surmounted by the indications in their hearts. If they do, then disagreement is permissible for them, and each has accomplished what is required of him through *ijtihād* in seeking the truth that is not visible to him.

I also said: God has also said: *from those you find acceptable as witnesses*,[51] and *two just persons from among you*.[52] Have you considered two judges in whose presence two eyewitnesses testify? Two just persons are in the presence of one of the two judges and two unjust persons are in the presence of the other.

He said: It is incumbent on the one in whose presence are the two just persons that he approve them, and it is incumbent on the other in whose presence are the two unjust persons that he reject them.

I said to him: Is this disagreement?

He said: Yes.

I said: Therefore, I see you make the disagreement two judgments.

He said: This is all that is found in that which is not visible. Each one has accomplished what is incumbent upon him even if his acts and his judgments differ.

I said: This is as we have said.

I also said to him: God Almighty and Exalted has said: *two just persons from among you shall make sure that the offerings reach the Kaʿba*.[53] When two just persons judge something in given situation and two others judge something greater or lesser in a given situation, each has engaged in *ijtihād* and accomplished what is incumbent upon him, even if the two disagree.

He [God] has also said: and *those whose rebellion you fear, admonish them, and leave them alone in bed, and strike them; then if they obey you*, the verse.[54] God Almighty and Exalted has also said: *and if you fear that they will not to keep the limits set by God, there is no harm for either of them if the woman ransoms herself*.[55] Have you considered when two women do one thing, and the husband of one of them fears her rebellion, and the husband of the other does not fear it?

He said: The one who fears rebellion is allowed to admonish her, to leave her alone, and to strike her; but the other is not allowed to strike her.

I also said: Similarly, the one who fears that his wife will not keep the limits set by God is allowed to take something from her, while the other is not allowed this, even if their actions are equal.

He said: Yes.

He [also] said: If I said this, perhaps someone else would disagree with me and with you and would not accept this from us; so where the Sunna that indicates that disagreement is is allowed?

I said: ʿAbd al-ʿAzīz ibn Muḥammad has informed us, on the authority of Yazīd ibn ʿAbd Allāh ibn al-Hād, on the authority of Muḥammad ibn Ibrāhīm, on the authority of Basr ibn Saʿīd, on the authority of Abū Qays, an associate of ʿAmr ibn al-ʿĀṣ, that he heard God's Messenger (peace and blessings be upon him say, "If a judge makes a ruling using *ijtihād* and is correct, he has a double reward; but if he makes a ruling using *ijtihād* and is mistaken, he has a single reward." Yazīd ibn al-Hād said: "I narrated this *Ḥadīth* to Abū Bakr ibn Muḥammad ibn ʿAmr ibn Ḥazm," and then he said: "Abū Salama narrated such a *Ḥadīth* to me on the authority of Abū Hurayra."

He said: What else?

I said: What we have described is that, until today, judges and *muftīs* have disagreed in some of their rulings, and that they only judged and rendered religious decisions according to what is permissible, according to them. According to you, this is consensus. But how is it consensus when disagreements exist in what they do? God knows best.

An Explanation of the Ordinances of God Most High

Al-Rabīʿ ibn Sulaymān informed us, saying: Muḥammad ibn Idrīs al-Shāfiʿī said: The ordinances of God Almighty and Exalted, in His Book, are of two kinds: In one of the two He has explained how He ordained some of it, so that what has been sent down is independent of interpretation and of [Prophetic] reports. The other is that He has established His ordinances in His Book and explained how they are on the tongue of His Prophet (peace and blessings be upon him); then He established in His Book the obligation of what His Messenger (peace and blessings be upon him) imposed, by the saying of God Almighty and Exalted: *and take what the Messenger gives you, and deny yourselves that which he forbids you*[56]; and by His saying (Blessed be His name): *No indeed, by your Lord; they are not believers unless they come to you to judge in their disputes*[57]; and by His saying (Almighty and Exalted): *No believing man or believing woman, when God and His messenger issue a command, has any choice regarding their command*,[58] along with other verses in the Qur'ān with this meaning. Whoever has accepted something on the authority of God's Messenger (peace and blessings be upon him) has accepted the ordinance of God Almighty and Exalted.

Al-Shāfi'ī (may God Most High have mercy upon him) said: The ordinances agree in that they are firmly established on the basis of what they impose, then their laws are separated according to what God Almighty and Exalted and then His Messenger (peace and blessings be upon him) have distinguished. Then we distinguish between what he has distinguished of them and we bring together what he has brought together of them. The branches of [N. 7:287] the law are not compared to anything else. The first of the laws with which we begin is ritual prayer. We find it established as a duty for the mature and sane, omitted by the menstruating women during their menses. Moreover, we find the obligatory and the supererogatory of them agreeing that it is not permissible to enter either one without having been purified by water in settled regions and traveling, if water is available, or by dry ablutions during travel and when water is scarce in settled regions, or when a person is ill [and] cannot tolerate ablution for fear of physical injury or an increase in weakness. We also find the two [supererogatory and obligatory prayers] agreeing that two people only pray together while facing the *ka'ba*, either in settled regions or stopping to rest in the land.

In the case of travelers, we find the two [types of prayers] have separate conditions. Someone who is praying a voluntary prayer while riding can face whatever direction his mount is pointing. We never find this to be the case for someone who is praying an obligatory prayer, except in a state fear. We find that if a person praying a required prayer can tolerate it and it is possible for him to stand, it is only permissible for him to pray while standing. We find that the supererogatory prayer permits him to prayer while sitting. We find the person praying the obligatory prayer is to perform it at the established time while standing. If he is not able [to stand], he performs it while sitting. If he is not able [to sit], he performs it lying down, prostrating if he is able and making gestures if he is not able.

We find alms imposed together with ritual prayer, but differing from it. We find that alms are only either established [as a duty] or dropped. When it has been established it must be discharged according to what is required, equally in all circumstances; it does not vary because of an excuse like the performance while standing or sitting. We find that if a person has property, alms are required of him. If he has a debt of equal amount, alms cease to be incumbent upon him in that situation, but he still must perform the ritual prayer in any situation as he can tolerate it.

Al-Rabī' said: Al-Shāfi'ī also had another opinion. If he has a debt of twenty dinars and has an equal amount [of money], then he must pay the alms first because God Almighty and Exalted has said: *Take alms out of*

their property to purify them and sanctify them.[59] Since these twenty [dinars] if he were to give them, his gift would permissible; and if he were to donate them as charity, his charity would be permissible; and would they go to waste, they would be on his account its rulings all indicate that they are his property and alms are required of him from them, according to the saying of God Blessed and Most High: *Take alms out of their property*, the verse.

Al-Shāfiʿī (may God Most High have mercy on him) said: We find that the ritual prayer ceases to be incumbent a wealthy woman during her menses; however, alms are still incumbent upon her; and likewise, [upon] the immature and the insane.

The Section on Fasting

Al-Shāfiʿī (may God Most High have mercy on him) said: We find fasting ordained at an appointed time, just as the ritual prayer is ordained at an appointed time; moreover, we find the traveler is allowed to stop fasting during its set time, if it is difficult for him. Then, he can complete the fast after its time. This is not so in the case of the ritual prayer. There is no allowance for him to delay the prayer from its set time to another day. He is also not allowed to shorten the fast at all, as he is allowed to shorten the prayer. Nor does his fast vary according to variations in his condition, in sickness and health. We also find that if he has sexual intercourse during the fast of Ramadan, then he must free a slave if he can find one. If he has sexual intercourse during the Pilgrimage, he slaughters a camel, and if he has sexual intercourse during prayer, he seeks forgiveness and there is no atonement incumbent on him. Sexual intercourse is forbidden in all these situations; then, there is sexual intercourse that so very forbidden there is nothing that can atone for it. Furthermore, we find that one who has sexual intercourse during the fast must make up the month of Ramadan, or the atonement for killing or *Ẓhār*,[60] but there is no atonement incumbent on him. There is a substitute for each of these. We find it in relation to the unconscious person and the menstruating woman. They do not fast or pray. When the unconscious person awakens and the menstruating woman becomes clean, they both must complete the fast missed during the days of unconsciousness and menstruation. However, the menstruating woman is not required to make up the prayers, in anyone's opinion, and the unconscious person is not required to make them up, in our opinion.

We find the pilgrimage ordained for the individual who finds the means to [accomplish] it. We find that pilgrimage shares some things

with prayer and differs from it in others. As for the things in which it differs, in the prayer [a man] is permitted to wear a sewn garment, but it is forbidden during the pilgrimage. During the pilgrimage, he is permitted to speak intentionally, but that is not permitted for the person in prayer. It invalidates his prayer and he is not to continue it. He has to commence another prayer instead of it, but he does not atone for it. When he invalidates his pilgrimage, there is nothing for him to do but continue it as invalid. Afterward, he makes a substitution and a sacrifice. Pilgrimage is at an appointed time, and prayer is at an appointed time. If man misses its time, it is not permissible for him to make the pilgrimage. I have [N. 7:288] found that they are both ordered to arrive in the prayer area on time. If the praying person arrives before the set time, his prayer is not permissible for him. If the pilgrim arrives before the set time, his pilgrimage suffices him.

I have found that the prayer has a beginning and an end. I have found its beginning is saying "Allāhu akbar" and its end is the greetings of peace, and I have found that if one has done something that invalidates it in whatever is between its beginning and its end, one has invalidated all of it. I have also found that the pilgrimage has a beginning and an end and parts after it. Its beginning is the ritual consecration; then afterward, are other parts of it: the throwing of the stones, the shaving of the head, and the sacrifice. In our opinion and the indications of the Sunna, if one does these he has left his state of ritual consecration except from women in particular. In the opinion of others, except from women, perfume, and hunting. Then, I have found him in this condition. If he has touched women before they are permissible for him, he sacrifices a camel, but he does not invalidate his pilgrimage. If he did not touch women until he circled [the *kaʿba*], the women were permissible for him. Upon reverting from his pilgrimage with wishes and throwing pebbles, all those things the pilgrimage prohibited for him are lawful for him to do outside the state of ritual consecration of the pilgrimage. He is not to do anything in prayer except what the ritually consecrated state of prayer is based on.

I have found that in the pilgrimage, he has been given orders about some things and if he abandons the things that he was doing, there is substitution through atonement for him by blood, fasting, charity, and an argument. He has also been given orders about things in ritual prayer, not one of which he can omit. If he omits any of them, it invalidates his prayer. Atonement does not suffice to replace it, nor does anything else, except restarting the prayer, or if he has abandoned something that he has been commanded as part of the backbone of the prayer, there is no

atonement for him. Then, for the pilgrimage there is another time and it is the circling of the house after the slaughter by which the women are made permissible for him. Then there is another and it is the run from Minā. Then afterward, the farewell, and he is free to choose if he wants to hurry the run in two days, or if he wants to delay it.

Al-Rabīʿ ibn Sulaymān has informed us that al-Shāfiʿī said Ibn ʿUyayna informed us with its *isnād* on the authority of God's Messenger (peace and blessings be upon him) that he said: *Let the people not adhere to anything about me, for I only allow them what God has allowed and I only forbid them what God has forbidden.*

Al-Shāfiʿī (God Most High have mercy on him) said: This [report] is interrupted and we know the *fiqh* of Ṭāwus, and if this has been confirmed on the authority of God's Messenger (peace and blessings be upon him) he would have explained in it that it is about what you have described, if God Most High willed. He said: *Let the people not adhere to anything about me;* he did not say: *Do not adhere to anything from me.* Rather, he has order you to adhere [to things] from him, and God Almighty and Exalted has commanded that.

Al-Shāfiʿī said: Ibn ʿUyayna informed us on the authority of Abū al-Naḍar, on the authority of ʿUbayd Allāh ibn Abū Rāfiʿ, on the authority of his father, that God's Messenger (peace and blessings be upon him) said: *Let me not find anyone from among you, when something I have commanded or prohibited comes to him, reclining on his couch and saying: "We do not recognize this. We follow what we find in the Book of God Almighty and Exalted."* We have been commanded to follow what he commanded us and to abstain from what he prohibited us, and God Almighty and Exalted has made that obligatory for his successors in His Book. The people only cling to what they have of this on the authority of God Blessed, Most High; then after that, on the authority of God's messenger (peace and blessings be upon him), and then from his indications. However, his say, if he has said it: *Let the people not adhere to anything about me*, indicates that God's Messenger (peace and blessings be upon him), since he was in an exemplary position it permitted him special privileges that were not allowed to the people, and prohibited for him some things that were not prohibited to the people. So, he said: *Let the people not adhere to anything about me*, to or about those other than them; and if it is to or about other than them, they are not to adhere to it. For example when God Almighty and Exalted allowed him the number of wives that he wished, and that he could marry woman when she offered herself to him, God Most High said: *Especially for you and not for the believers*,[61] so no one could say that God's Messenger (peace and blessings be upon him)

had more than four wives together; and that God's Messenger (peace and blessings be upon him) married a woman without a dowry; and that God's Messenger (peace and blessings be upon him) took Ṣafīā from the spoils of war; and this was for God's Messenger (peace and blessings be upon him) because God Almighty and Exalted clarified in His Book and on the tongue of His Messenger (peace and blessings be upon him) that that is for him and not for them. God Most High also ordered him to offer his wives the choice of a place with him, or separation. But it is not appropriate for anyone to say "I am offering my wives the choice," according to what God Almighty and Exalted ordered His Messenger (peace and blessings be upon him). This is the meaning of the Prophet (peace and blessings be upon him) if he said: *Let the people not adhere to anything about me, for I only allow them what God has allowed and I only forbid them what God has forbidden.* Likewise, God's Messenger (peace and blessings be upon him) has established his command with that, and it is incumbent upon him that he follows what was revealed to him and we bear witness that he followed it, and that in which there was not revelation, God Almighty and Exalted ordained following his Sunna in it, in the revelation. [N. 7:289] So, whoever accepts something on his authority is only accepting what God Almighty and Exalted has ordained. God Most High said: *take what the Messenger gives you, and deny yourselves that which he forbids you,*[62] and He Almighty and Exalted said: *No, by your Lord, they will not believe until they make you the judge in their disputes and then find no hesitation in themselves about your decision, while submitting completely.*[63]

Ibn Yasār has informed us of his trustworthiness on the authority of ʿUmar ibn ʿAbd al-ʿAzīz asked in Medina and he agreed with him that he did not explain carrying in less than three months.

Al-Shāfiʿī said: In relation to His Book and His religion, God Almighty and Exalted has placed His Prophet (peace and blessings be upon him) in the position that He has explained in His Book and the obligation of His creatures in the worlds, in that he only speaks about what God has revealed to him with what He has revealed to him. He does not contradict God's Book. He explains the meaning God intended on the authority of God Almighty and Exalted. The explanation of that is in the Book of God Almighty and Exalted, God Blessed and Most High said: *When our clear verses are recited to them, those who do not expect to meet us say, "Bring a Quran other than this, or change it!" Say, "I cannot possibly change it on my own. I only follow what is revealed to me."*[64] God Almighty and Exalted has said to His Prophet (peace and blessings be upon him): *Follow what has been revealed to you from your Lord,*[65] and He

said the like of this in other verses. The Almighty and Exalted has also said: *Whoever obeys the messenger is obeying God*,[66] and He said: *No, by your Lord, they will not believe*, the verse.

Al-Shāfiʿī said: Al-Darāwardī informed us on the authority of ʿAmr ibn Abū ʿAmr, on the authority of al-Muʿallab ibn Khaʿab that God's Messenger (peace and blessings be upon him) said: *I have not neglected to command you anything that God Most High has commanded you, and I have not neglected to forbid you anything that God has forbidden you.*

Al-Rabīʿ informed us, saying al-Shāfiʿī informed us, saying, Sufyān ibn ʿUyayna informed us on the authority of Sālim Abū al-Naṣr, on the authority of ʿUbayd Allāh ibn Abū Rāfiʿ, on the authority of his father that God's Messenger (peace and blessings be upon him) said: *Let me not find anyone of you reclining on his couch when something I have commanded or prohibited comes to him, then he says: "I do not know. We follow what we find in the Book of God,"* and [reports] similar to this.

God ordained prayer and alms and pilgrimage in general in His Book, and the Messenger of God (peace and blessings be upon him) explained the meaning that God Most High intended of the number of prayers and their times, and the number of bows and prostrations, and the Sunnas of the pilgrimage, what a person should do and what he should avoid, and from which property alms is taken, how much and when it is taken. God the Almighty and Exalted said: *The male thief and the female thief cut off their hands*,[67] and He (Mighty is His commemoration) said: *The adulteress and the adulterer whip them each one hundred lashes.*[68] If we take the apparent meaning of the Qur'ān will amputate [the hand of] anyone to whom the word "theft" applies, and whip everyone to whom the word "adultery" applies one hundred lashes. The Prophet cut for four dinars, but he did not cut for less than that. He stoned the free, non-virgin adulterers. He did not whip them, indicating to us that God Almighty and Exalted meant to cut and whip some thieves, but not others and some adulterers, but not others, and [things] similar to this. Wiping over slippers does not contradict Him. God Almighty and Exalted said: *When you get up to pray, wash your faces, and you hands to the elbows, wipe your heads, and your feet to the ankles.*[69] When the Prophet (peace and blessings be upon him) wiped over slippers, it indicates to us that the ordinance of God Almighty and Exalted to wash the feet is only incumbent on some who are making ablutions and not others. That wiping is for whoever put on his slippers when his feet were completely clean indicates to us through the Sunna of God's Messenger (peace and blessings be upon him) that if he does not wipe, washing the feet is obligatory for him. Just as he does not avert the amputation of some thieves and he whips some adulterers one

hundred lashes. Amputation and whipping are obligatory for him. If someone follows what has been narrated from some of the companions of God's Messenger (peace and blessings be upon him) that he said that the Book preceded wiping over slippers because *al-Mā'ida* was revealed before wiping was established in the Hijāz, during the raid on Tabūk and *al-Mā'ida* was before it. If he claims that an ablution was imposed before the ablution in which God's Messenger (peace and blessings be upon him) wiped, and an ablution was imposed after it and has abrogated the wiping, then he should show us two obligatory ablutions in the Qur'ān. We only know one obligatory ablution. If he claims that wiping was before ablution became obligatory for him, then he has claimed that there is prayer without ablution. But we do not know it ever having been without ablution. So, whichever text preceded wiping over the slippers, the wiping is as we have described from the indications of in the Sunna of God's Messenger (peace and blessings be upon him), just as all of what God's Messenger (peace and blessings be upon him) did made clear the ordinances of God Blessed and Most High, like what we have described about the thief and the adulterer and others?

Al-Shāfiʿī said: There will never be a Sunna that contradicts the Qur'ān. God Most High is the Grantor of Success.

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List of Qur'ānic Verses

The following is a list of the verses most often cited by the proponents and opponents of the authority of *Ḥadīth* in Islam. They are listed in numerical order by chapter and verse. The Khalifa translation is included because it reflects the interpretation that opposes the authority of the *Ḥadīth*, and the Yusu Ali translation is included because it is widely used by Muslims and represents the mainstream Muslim understanding of the same verses. The translations are followed by a transliteration of the original Arabic. Transliteration is included for the convenience of those readers who are familiar with Arabic terminology but do not read Arabic script.

2:129

Khalifa

"Our Lord, and raise among them a messenger to recite to them Your revelations, teach them the scripture and wisdom, and purify them. You are the Almighty, Most Wise."

Yusuf Ali

"Our Lord! send amongst them an Apostle of their own, who shall rehearse Thy Signs to them and instruct them in scripture and wisdom, and sanctify them: For Thou art the Exalted in Might, the Wise."

Transliteration

rabbanā wa ab`ath fihim rasūlan minhum yatlū `alayhim ayātika wa yu`allimuhum al-kitāba wa al-ḥikmata wa yuzakkīhim innaka anta al-`azīz ul-ḥakīm.

2:151

Khalifa

(Blessings) such as the sending of a messenger from among you to recite our revelations to you, purify you, teach you the scripture and wisdom, and to teach you what you never knew.

Yusuf Ali

A similar (favour have ye already received) in that We have sent among you an Apostle of your own, rehearsing to you Our Signs, and sanctifying you, and instructing you in Scripture and Wisdom, and in new knowledge.

Transliteration

kamā arsalnā fikum rasūlan minkum yatlū `alaykum ayātinā wa yuzakkīkum wa yu`allimukum al-kitāba wa al-ḥikmata wa yu`allimukum mā lam takūnū ta`lamūn.

3:81

Khalifa

GOD took a covenant from the prophets, saying, "I will give you the scripture and wisdom. Afterwards, a messenger will come to confirm all existing scriptures. You shall believe in him and support him." He said, "Do you agree with this, and pledge to fulfill this covenant?" They said, "We agree." He said, "You have thus borne witness, and I bear witness along with you."

Yusuf Ali

Behold! God took the covenant of the prophets, saying: "I give you a Book and Wisdom; then comes to you an apostle, confirming what is with you; do ye believe in him and render him help." God said: "Do ye agree, and take this my Covenant as binding on you?" They said: "We agree." He said: "Then bear witness, and I am with you among the witnesses."

Transliteration

wa idh akhadha allāhu mīthāqa al-nabīyīna lamā ataytukum min kitābin wa ḥikmatin thumma jā'akum rasūlun muṣaddiqun limā ma`akum latu'uminunna bihi wa latanṣurunnahu qāla a'aqrartum wa akhadhtum `alā dhālikum iṣrī qālū aqrarnā qāla fash-hadū wa anā ma`akum mina ash-shāhidīn.

3:164

Khalifa

GOD has blessed the believers by raising in their midst a messenger from among them, to recite for them His revelations, and to purify them, and to teach them the scripture and wisdom. Before this, they had gone totally astray.

Yusuf Ali

God did confer a great favour on the believers when He sent among them an apostle from among themselves, rehearsing unto them the Signs of God, sanctifying them, and instructing them in Scripture and Wisdom, while, before that, they had been in manifest error.

Transliteration

laqad manna allāhu `alā al-mu'uminīna idh ba`atha fihim rasūlan min anfusihim yatlū `alayhim ayātihi wa yuzakkīhim wa yu`allimuhum al-kitāba wa al-ḥikmata wa in kānū min qablu lafi ḍalālin mubīnin.

4:59

Khalifa

O you who believe, you shall obey GOD, and you shall obey the messenger, and those in charge among you. If you dispute in any matter, you shall refer it to GOD and the messenger, if you do believe in GOD and the Last Day. This is better for you, and provides you with the best solution.

Yusuf Ali

O ye who believe! Obey God, and obey the Apostle, and those charged with authority among you. If ye differ in anything among yourselves, refer it to God and His Apostle, if ye do believe in God and the Last Day: That is best, and most suitable for final determination.

Transliteration

yā ayyuhā al-ladhīna ’āmanū aṭī`ū allāha wa aṭī`ū ar-rasūla wa ’ūlī al-amri minkum fa in tanāza`tum fī shay’in faruddūhu ilā allāhi wa ar-rasūli in kuntum tu’uminūna bil-lāhi wa al-yawmi al-akhiri dhālika khayrun wa aḥsanu ta’wīl.

4:63

Khalifa

GOD is fully aware of their innermost intentions. You shall ignore them, enlighten them, and give them good advice that may save their souls.

Yusuf Ali

Those men—God knows what is in their hearts; so keep clear of them, but admonish them, and speak to them a word to reach their very souls.

Transliteration

ūlā’ika al-ladhīna ya`lamu allāhu mā fī qulūbihim fa a`riḍ `anhum wa `iẓhum wa qul lahum fī anfusihim qawlan balīghan.

4:65

Khalifa

Never indeed, by your Lord; they are not believers unless they come to you to judge in their disputes, then find no hesitation in their hearts whatsoever in accepting your judgment. They must submit a total submission.

Yusuf Ali

But no, by the Lord, they can have no (real) Faith, until they make thee judge in all disputes between them, and find in their souls no resistance against Thy decisions, but accept them with the fullest conviction.

Transliteration

fa lā wa rabbika lā yu'uminūna ḥattā yuḥakkimūka fīmā shajara baynahum thumma lā yajidū fī anfusihim ḥarajan mimmā qaḍayta wa yusallimū taslīman.

4:80

Khalifa

Whoever obeys the messenger is obeying GOD. As for those who turn away, we did not send you as their guardian.

Yusuf Ali

He who obeys the Apostle, obeys God: But if any turn away, We have not sent thee to watch over their (evil deeds).

Transliteration

man yuṭi` al-rasūla fa qad aṭā`a allāha wa man tawallā famā arsalnāka `alayhim ḥafīẓ.

4:113

Khalifa

If it were not for GOD's grace towards you, and His mercy, some of them would have misled you. They only mislead themselves, and they can never harm you in the least. GOD has sent down to you the scripture and wisdom, and He has taught you what you never knew. Indeed, GOD's blessings upon you have been great.

Yusuf Ali

But for the Grace of God to thee and his Mercy, a party of them would certainly have plotted to lead thee astray. But (in fact) they will only

Lead their own souls astray, and to thee they can do no harm in the least. For God hath sent down to thee the Book and wisdom and taught thee what thou Knewest not (before): And great is the Grace of God unto thee.

Transliteration

wa lawlā faḍlu allāhi `alayka wa raḥmatuhu lahammat ṭā'ifatun minhum an yuḍillūka wa mā yuḍillūna illā anfusahum wa mā yaḍurrūnaka min shay'in wa anzala allāhu `alayka al-kitāba wa al-ḥikmata wa `allamaka mā lam takun ta`lamu wa kāna faḍlu allāhi `alayka `aẓīm.

5:67

Khalifa

O you messenger, deliver what is revealed to you from your Lord—until you do, you have not delivered His message—and GOD will protect you from the people. GOD does not guide the disbelieving people.

Yusuf Ali

O Apostle! proclaim the (message) which hath been sent to thee from thy Lord. If thou didst not, thou wouldst not have fulfilled and proclaimed His mission. And God will defend thee from men (who mean mischief). For God guideth not those who reject Faith.

Transliteration

yā ayyuhā al-rasūlu balligh mā unzila ilayka min rabbika wa in lam taf`al fa mā ballaghta risālatahu wa allāhu ya`ṣimuka mina al-nāsi inna allāha lā yahdī al-qawma al-kāfirīn.

5:99

Khalifa

The sole duty of the messenger is to deliver the message, and GOD knows everything you declare and everything you conceal.

Yusuf Ali

The Apostle's duty is but to proclaim (the message). But God knoweth all that ye reveal and ye conceal.

Transliteration

mā `alā al-rasūli illā al-balāghu wa allāhu ya`lamu mā tubdūna wa mā taktumūn.

6:38

Khalifa

All the creatures on earth, and all the birds that fly with wings, are communities like you. We did not leave anything out of this book. To their Lord, all these creatures will be summoned.

Yusuf Ali

There is not an animal (that lives) on the earth, nor a being that flies on its wings, but (forms part of) communities like you. Nothing have we omitted from the Book, and they (all) shall be gathered to their Lord in the end.

Transliteration

wa mā min dābbatin fil-arḍi wa lā ṭā'irin yaṭīru bi-janāḥayhi illā 'umamun amthālukum mā farraṭnā fil-kitābi min shay'in thumma ilā rabbihim yuḥsharūn.

6:39

Khalifa

Those who reject our proofs are deaf and dumb, in total darkness. Whomever GOD wills, He sends astray, and whomever He wills, He leads in a straight path.

Yusuf Ali

Those who reject our sings are deaf and dumb—in the midst of darkness profound: whom God willeth, He leaveth to wander: whom He willeth, He placeth on the way that is straight.

Transliteration

wa al-ladhīna kadhdhabū bi-ayātinā ṣummun wa bukmun fil-ẓulumāti man yasha' allāhu yuḍlilhu wa man yasha' yaj`alhu `alā ṣirāṭin mustaqīm.

6:19

Khalifa

Say, "Whose testimony is the greatest?" Say, "GOD's. He is the witness between me and you that this Quran has been inspired to me, to preach it to you and whomever it reaches. Indeed, you bear witness that there are other gods beside GOD." Say, "I do not testify as you do; there is only one god, and I disown your idolatry."

Yusuf Ali

Say: "What thing is most weighty in evidence?" Say: "God is witness between me and you; This Qur'an hath been revealed to me by inspiration, that I may warn you and all whom it reaches. Can ye possibly bear witness that besides God there is another God?" Say: "Nay! I cannot bear witness!" Say: "But in truth He is the one God, and I truly am innocent of (your blasphemy of) joining others with Him."

Transliteration

qul ayyu shay'in akbaru shahādatan qul allāhu shahīdun baynī wa baynakum wa ūḥiya ilayya hādhā al-qur'ānu li undhirakum bihi wa man balagha a innakum la-tash-hadūna anna ma`a allāhi alihatan ukhrā qul lā ash-hadu qul innamā huwa ilahun wāḥidun wa innanī barī'un mimmā tushrikūn.

6:106

Khalifa

Follow what is revealed to you from your Lord, there is no god except He, and disregard the idol worshipers.

Yusuf Ali

Follow what thou art taught by inspiration from thy Lord: there is no god but He: and turn aside from those who join gods with God.

Transliteration

attabi` mā ūḥiya ilayka min rabbika lā ilāha illā huwa wa a`riḍ `an al-mushrikīn.

6:112

Khalifa

We have permitted the enemies of every prophet—human and jinn devils—to inspire in each other fancy words, in order to deceive. Had your Lord willed, they would not have done it. You shall disregard them and their fabrications.

Yusuf Ali

Likewise did We make for every Messenger an enemy—evil ones among men and jinns, inspiring each other with flowery discourses by way of deception. If thy Lord had so planned, they would not have done it: so leave them and their inventions alone.

Transliteration

wa kadhalika ja`alnā li-kulli nabīyin `adūwan shayāṭīna al-insi wa al-jinni yūḥī ba` ḍuhum ilā ba` ḍin zukhrufa al-qawli ghurūran wa law shā'a rabbuka mā fa`alūhu fadharhum wa mā yaftarūn.

6:114

Khalifa

Shall I seek other than GOD as a source of law, when He has revealed to you this book fully detailed? Those who received the scripture recognize that it has been revealed from your Lord, truthfully. You shall not harbor any doubt.

Yusuf Ali

Say: "Shall I seek for judge other than God? —when He it is Who hath sent unto you the Book, explained in detail." They know full well, to whom We have given the Book, that it hath been sent down from thy Lord in truth. Never be then of those who doubt.

Transliteration

a fa ghayra allāhi abtaghī ḥakaman wa huwa al-ladhī anzala ilaykum al-kitāba mufaṣṣalan wa al-ladhīna 'ātaynāhum al-kitāba ya`lamūna annahu munazzalun min rabbika bil-ḥaqqi falā takūnanna mina al-mumtarīn

6:115

Khalifa

The word of your Lord is complete, in truth and justice. Nothing shall abrogate His words. He is the Hearer, the Omniscient.

Yusuf Ali

The word of thy Lord doth find its fulfilment in truth and in justice: None can change His words: for He is the one who heareth and knoweth all.

Transliteration

wa tammat kalimatu rabbika ṣidqan wa `adlan lā mubaddila li-kalimātihi wa huwa al-samī` ul-`alīm.

8:38

Khalifa

Tell those who disbelieved: if they stop, all their past will be forgiven. But if they return, they will incur the same fate as their previous counterparts.

Yusuf Ali

Say to the Unbelievers, if (now) they desist (from Unbelief), their past would be forgiven them; but if they persist, the punishment of those before them is already (a matter of warning for them).

Transliteration

qul lil-ladhīna kafarū in yantahū yughfar lahum mā qad salafa wa in ya`ūdū faqad maḍat sunnatu al-awwalīn.

10:15

Khalifa

When our revelations are recited to them, those who do not expect to meet us say, "Bring a Quran other than this, or change it!" Say, "I cannot possibly change it on my own. I simply follow what is revealed to me. I fear, if I disobey my Lord, the retribution of an awesome day."

Yusuf Ali

But when Our Clear Signs are rehearsed unto them, those who rest not their hope on their meeting with Us, Say: "Bring us a reading other than this, or change this," Say: "It is not for me, of my own accord, to change it: I follow naught but what is revealed unto me: if I were to disobey my Lord, I should myself fear the penalty of a Great Day (to come)."

Transliteration

wa idhā tutlā `alayhim ayātunā bayyinātin qāla al-ladhīna lā yarjūna liqā'anā a'ti bi-qur'ānin ghayri hādhā aw baddilhu qul mā yakūnu lī an ubaddilahu min tilqā'i nafsī in attabi`u illā mā yūḥā ilayya innī akhāfu in `aṣaytu rabbī `adhāba yawmin `aẓīm.

12:1

Khalifa

A.L.R. These (letters) are proofs of this profound scripture.

Yusuf Ali

A.L.R. These are the symbols (or Verses) of the perspicuous Book.

Transliteration

alif lām rā tilka ayātu al-kitāb il-mubīn

12:2

Khalifa

We have revealed it an Arabic Qur'an, that you may understand.

Yusuf Ali

We have sent it down as an Arabic Qur'an, in order that ye may learn wisdom.

Transliteration

innā anzalnāhu qur'ānan `arabīyan la`allakum ta`qilūn.

12:3

Khalifa

We narrate to you the most accurate history through the revelation of this Qur'an. Before this, you were totally unaware.

Yusuf Ali

We do relate unto thee the most beautiful of stories, in that We reveal to thee this (portion of the) Qur'an: before this, thou too was among those who knew it not.

Transliteration

naḥnu naquṣṣu `alayka aḥsana al-qaṣaṣi bi-mā awḥaynā ilayka hādhā al-qur'āna wa in kunta min qablihi la-min al-ghāfilīn.

13:36

Khalifa

Those who received the scripture rejoice in what was revealed to you; some others may reject parts of it. Say, "I am simply enjoined to worship

GOD, and never associate any idols with Him. I invite to Him, and to Him is my ultimate destiny."

Yusuf Ali

Those to whom We have given the Book rejoice at what hath been revealed unto thee: but there are among the clans those who reject a part thereof. Say: "I am commanded to worship God, and not to join partners with Him. Unto Him do I call, and unto Him is my return."

Transliteration

wal-ladhīna ataynāhum ul-kitāba yafraḥūna bi-mā unzila ilayka wa min al-aḥzābi man yunkiru ba`ḍahu qul innamā umirtu an a`buda allāha wa lā ushrika bihi ilayhi ad`ū wa ilayhi ma'ābi

16:89

Khalifa

The day will come when we will raise from every community a witness from among them, and bring you as the witness of these people. We have revealed to you this book to provide explanations for everything, and guidance, and mercy, and good news for the submitters.

Yusuf Ali

One day We shall raise from all Peoples a witness against them, from amongst themselves: and We shall bring thee as a witness against these (thy people): and We have sent down to thee the Book explaining all things, a Guide, a Mercy, and Glad Tidings to Muslims.

Transliteration

wa yawma nab`athu fi kulli ummatin shahīdan `alayhim min anfusihim wa ji`nā bi-ka shahīdan alā hā'ūlā'i wa nazzalnā `alayka al-kitāba tibyānan li-kulli shay'in wa hudan wa raḥmatan wa bushra lil-muslimīn.

16:123

Khalifa

Then we inspired you (Muhammad) to follow the religion of Abraham, the monotheist; he never was an idol worshiper.

Yusuf Ali

So We have taught thee the inspired (Message), "Follow the ways of Abraham the True in Faith, and he joined not gods with God."

Transliteration

thumma awḥaynā ilayka ani attabi` millata ibrāhīma ḥanīfan wa mā kāna mina al-mushrikīn

17:39

Khalifa

This is some of the wisdom inspired to you by your Lord. You shall not set up another god beside GOD, lest you end up in Gehenna, blamed and defeated.

Yusuf Ali

These are among the (precepts of) wisdom, which thy Lord has revealed to thee. Take not, with God, another object of worship, lest thou shouldst be thrown into Hell, blameworthy and rejected.

Transliteration

dhālika min mā awḥā ilayka rabbuka min al-ḥikma wa lā taj'al ma'a allāh ilahan ākhara fa-tulqā fi jahannam malūman madhūr

21:72

Khalifa

And we granted him Isaac and Jacob as a gift, and we made them both righteous.

Yusuf Ali

And We bestowed on him Isaac and, as an additional gift, (a grandson), Jacob, and We made righteous men of every one (of them).

Transliteration

wa wahabnā la-hu isḥāqa wa ya`qūba nāfilatan wa kullan ja`alnā ṣāliḥīn.

21:73

Khalifa

We made them imams who guided in accordance with our commandments, and we taught them how to work righteousness, and how to observe the Contact Prayers (Salat) and the obligatory charity (Zakat). To us, they were devoted worshipers.

Yusuf Ali

And We made them leaders, guiding (men) by Our Command, and We sent them inspiration to do good deeds, to establish regular prayers, and to practise regular charity; and they constantly served Us (and Us only).

Transliteration

wa ja'alnāhum a'immatan yahdūna bi-amrinā wa awḥaynā ilayhim fi 'l al-kayrāt wa iqām al-ṣalāt wa iytā' al-zakāt wa kānū lanā 'ābidīn

22:78

Khalifa

You shall strive for the cause of GOD as you should strive for His cause. He has chosen you and has placed no hardship on you in practicing your religion—the religion of your father Abraham. He is the one who named you "Submitters" originally. Thus, the messenger shall serve as a witness among you, and you shall serve as witnesses among the people. Therefore, you shall observe the Contact Prayers (Salat) and give the obligatory charity (Zakat), and hold fast to GOD; He is your Lord, the best Lord and the best Supporter.

Yusuf Ali

And strive in His cause as ye ought to strive, (with sincerity and under discipline). He has chosen you, and has imposed no difficulties on you in religion; it is the cult of your father Abraham. It is He Who has named you Muslims, both before and in this (Revelation); that the Apostle may be a witness for you, and ye be witnesses for mankind! So establish regular Prayer, give regular Charity, and hold fast to God! He is your Protector—the Best to protect and the Best to help!

Transliteration

wa jāhidū fillāhi ḥaqqa jihādihi huwa ajtabākum wa mā ja`ala `alaykum fil-dīni min ḥarajin millata abīkum ibrāhīma huwa sammākumu al-muslimīna min qablu wa fī hādhā li-yakūna al-rasūlu shahīdan `alaykum wa takūnū shuhadā'a `alā al-nāsi fa aqīmū al-ṣalāta wa ātū al-zakāta wa a`taṣimū billāhi huwa mawlākum fa ni`ma al-mawlā wa ni`ma al-naṣīr.

24:2

Khalifa

The adulteress and the adulterer you shall whip each of them a hundred lashes. Do not be swayed by pity from carrying out GOD's law, if you truly believe in GOD and the Last Day. And let a group of believers witness their penalty.

Yusuf Ali

The woman and the man guilty of adultery or fornication—flog each of them with a hundred stripes: Let not compassion move you in their case, in a matter prescribed by God, if ye believe in God and the Last Day: and let a party of the Believers witness their punishment.

Transliteration

al-zāniyatu wa az-zānī fajlidū kulla wāḥidin minhumā miā'ata jaldatin wa lā ta'khudhkum bihimā ra'fatun fī dīni allāhi in kuntum tu'uminūna billāhi wa al-yawm il-akhiri wa liyash-had `adhābahumā ṭā'ifatun mina al-mu'uminīn.

24:62

Khalifa

The true believers are those who believe in GOD and His messenger, and when they are with him in a community meeting, they do not leave him without permission. Those who ask permission are the ones who do believe in GOD and His messenger. If they ask your permission, in order to tend to some of their affairs, you may grant permission to whomever you wish, and ask GOD to forgive them. GOD is Forgiver, Most Merciful.

Yusuf Ali

Only those are believers, who believe in God and His Apostle: when they are with him on a matter requiring collective action, they do not depart until they have asked for his leave; those who ask for thy leave are those who believe in God and His Apostle; so when they ask for thy leave, for some business of theirs, give leave to those of them whom thou wilt, and ask God for their forgiveness: for God is Oft-Forgiving, Most Merciful.

Transliteration

innamā al-mu'uminūna al-ladhīna āmanū billāhi wa rasūlihi wa idhā kānū ma`ahu `alā amrin jāmi`in lam yadh-habū ḥattā yasta'dhinūhu inna al-ladhīna yasta'dhinūnaka ūlā'ika al-ladhīna yu'uminūna billāhi wa rasūlihi fa idhā asta'dhanūka liba`ḍi sha'nihim fa'dhan li-man shi'ta minhum wa astaghfir la-humu allāha inna allāha ghafūrun raḥīm.

25:30

Khalifa

The messenger said, "My Lord, my people have deserted this Quran."

Yusuf Ali

Then the Messenger will say: "O my Lord! Truly my people took this Qur'an for just foolish nonsense."

Transliteration

wa qāla al-rasūlu yā rabbi inna qawmī attakhadhū hādhā al-qur'āna mahjūran

25:31

Khalifa

We also set up against every prophet enemies from among the guilty. Your Lord suffices as a guide, a master.

Yusuf Ali

Thus have We made for every prophet an enemy among the sinners: but enough is thy Lord to guide and to help.

Transliteration

wa kadhalika ja`alnā li-kulli nabīyin `adūwan mina al-mujrimīna wa kafā bi-rabbika hādiyan wa naṣīr.

31:6

Khalifa

Among the people, there are those who uphold baseless *Ḥadīth*, and thus divert others from the path of GOD without knowledge, and take it in vain. These have incurred a shameful retribution.

Yusuf Ali

But there are, among men, those who purchase idle tales, without knowledge (or meaning), to mislead (men) from the Path of God and throw ridicule (on the Path): for such there will be a Humiliating Penalty.

Transliteration

wa mina al-nāsi man yashtarī lahwa al-ḥadīthi *li-yuḍilla `an sabīl illāhi bi-ghayri `ilmin wa yattakhidhahā huzūan ūla'ika lahum `adhābun muhīn.*

31:7

Khalifa

And when our revelations are recited to the one of them, he turns away in arrogance as if he never heard them, as if his ears are deaf. Promise him a painful retribution.

Yusuf Ali

When Our Signs are rehearsed to such a one, he turns away in arrogance, as if he heard them not, as if there were deafness in both his ears: announce to him a grievous Penalty.

Transliteration

wa idhā tutlā `alayhi ayātunā wallā mustakbiran ka'an lam yasma`hā ka'anna fī udhunayhi waqran fabashshirhu bi-`adhābin alīmin.

31:12

Khalifa

We have endowed Luqman with wisdom: "You shall be appreciative of GOD." Whoever is appreciative is appreciative for his own good. As for those who turn unappreciative, GOD is in no need, Praiseworthy.

Yusuf Ali

We bestowed (in the past) Wisdom on Luqman: "Show (thy) gratitude to God." Any who is (so) grateful does so to the profit of his own soul: but if any is ungrateful, verily God is free of all wants, Worthy of all praise.

Transliteration

wa laqad ataynā luqmāna al-ḥikmata an ishkur lillāhi wa man yashkur fa innamā yashkuru li-nafsihi wa man kafara fa inna allāha ghaniyyun ḥamīd.

33:1

Khalifa

O you prophet, you shall reverence GOD and do not obey the disbelievers and the hypocrites. GOD is Omniscient, Most Wise.

Yusuf Ali

O Prophet! Fear God, and hearken not to the Unbelievers and the Hypocrites: verily God is full of Knowledge and Wisdom.

Transliteration

yā ayyuhā al-nabīyu attaqi allāha wa lā tuṭi`i al-kāfirīna wa al-munāfiqīna inna allāha kāna `alīman ḥakīman.

33:2

Khalifa

Follow what is revealed to you from your Lord. GOD is fully Cognizant of everything you all do.

Yusuf Ali

But follow that which comes to thee by inspiration from thy Lord: for God is well acquainted with (all) that ye do.

Transliteration

wa attabi` mā yūḥā ilayka min rabbika inna allāha kāna bi-mā ta`malūna khabīr.

33:21

Khalifa

The messenger of GOD has set up a good example for those among you who seek GOD and the Last Day, and constantly think about GOD.

Yusuf Ali

Ye have indeed in the Apostle of God a beautiful pattern (of conduct) for any one whose hope is in God and the Final Day, and who engages much in the Praise of God.

Transliteration

laqad kāna lakum fī rasūli allāhi uswatun ḥasanatun liman kāna yarjū allāha wa al-yawma al-akhira wa dhakara allāha kathīran.

33:34

Khalifa

Remember what is being recited in your homes of GOD's revelations and the wisdom inherent therein. GOD is Sublime, Cognizant.

Yusuf Ali

And recite what is rehearsed to you in your homes, of the Signs of God and His Wisdom: for God understands the finest mysteries and is well-acquainted (with them).

Transliteration

wa adhkurna mā yutlā fī buyūtikunna min ayāti allāhi wa al-ḥikmati inna allāha kāna laṭīfan khabīran.

34:46

Khalifa

Say, "I ask you to do one thing: Devote yourselves to GOD, in pairs or as individuals, then reflect. Your friend (Rashad) is not crazy. He is a manifest warner to you, just before the advent of a terrible retribution."

Yusuf Ali

Say: "I do admonish you on one point: that ye do stand up before God—(It may be) in pairs, or (it may be) singly—and reflect (within

yourselves): your Companion is not possessed: he is no less than a warner to you, in face of a terrible Penalty."

Transliteration

qul innamā a`iẓukum bi-wāḥidatin an taqūmū lillāhi mathnā wa furādā thumma tatafakkarū mā bi-ṣāḥibikum min jinnatin in huwa illā nadhīrun lakum bayna yaday `adhābin shadīd.

39:23

Khalifa

GOD has revealed herein the best *Ḥadīth*; a book that is consistent, and points out both ways (to Heaven and Hell). The skins of those who reverence their Lord cringe therefrom, then their skins and their hearts soften up for GOD's message. Such is GOD's guidance; He bestows it upon whoever wills (to be guided). As for those sent astray by GOD, nothing can guide them.

Yusuf Ali

God has revealed (from time to time) the most beautiful Message in the form of a Book, consistent with itself, (yet) repeating (its teaching in various aspects): the skins of those who fear their Lord tremble thereat; then their skins and their hearts do soften to the celebration of God's praises. Such is the guidance of God: He guides therewith whom He pleases, but such as God leaves to stray, can have none to guide.

Transliteration

allāhu nazzala aḥsana al-ḥadīthi *kitāban mutashābihan mathāniya taqsha`irru minhu julūdu al-ladhīna yakhshawna rabbahum thumma talīnu julūduhum wa qulūbuhum ilā dhikri allāhi dhālika hudā allāhi yahdī bihi man yashā'u wa man yuḍlili allāhu famā lahu min hādin.*

42:48

Khalifa

If they turn away, we did not send you as their guardian. Your sole mission is delivering the message. When we shower the human beings with mercy,

they become proud, and when adversity afflicts them, as a consequence of their own deeds, the human beings turn into disbelievers.

Yusuf Ali

If then they run away, We have not sent thee as a guard over them. Thy duty is but to convey (the Message). And truly, when We give man a taste of a Mercy from Ourselves, he doth exult thereat, but when some ill happens to him, on account of the deeds which his hands have sent forth, truly then is man ungrateful!

Transliteration

fa in a`raḍū famā arsalnāka `alayhim ḥafiẓan in `alayka illā al-balāghu wa innā idhā adhaqnā al-insāna minnā raḥmatan fariḥa bi-hā wa in tuṣibhum sayyi'atun bi-mā qaddamat aydīhim fa inna al-insāna kafūr.

42:52

Khalifa

Thus, we inspired to you a revelation proclaiming our commandments. You had no idea about the scripture, or faith. Yet, we made this a beacon to guide whomever we choose from among our servants. Surely, you guide in a straight path.

Yusuf Ali

And thus have We, by Our Command, sent inspiration to thee: thou knewest not (before) what was Revelation, and what was Faith; but We have made the (Qur'an) a Light, wherewith We guide such of Our servants as We will; and verily thou dost guide (men) to the Straight Way.

Transliteration

wa kadhalika awḥaynā ilayka rūḥan min amrinā mā kunta tadrī mā al-kitābu wa lā al-īmānu wa lākin ja`alnāhu nūran nahdī bihi man nashā'u min `ibādinā wa innaka la-tahdī ilā ṣirāṭin mustaqīm.

45:6

Khalifa

These are GOD's revelations that we recite to you truthfully. In which *Ḥadīth* other than GOD and His revelations do they believe?

Yusuf Ali

Such are the Signs of God, which We rehearse to thee in Truth; then in what exposition will they believe after (rejecting) God and His Signs?

Transliteration

tilka ayātu allāhi natlūhā `alayka bil-ḥaqqi fabi-ayyi* ḥadīthin *ba`da allāhi wa ayātihi yu'uminūn.

45:7

Khalifa

Woe to every fabricator, guilty.

Yusuf Ali

Woe to each sinful dealer in Falsehoods:

Transliteration

waylun li-kulli affākin athīm:

45:8

Khalifa

The one who hears GOD's revelations recited to him, then insists arrogantly on his way, as if he never heard them. Promise him a painful retribution.

Yusuf Ali

He hears the Signs of God rehearsed to him, yet is obstinate and lofty, as if he had not heard them: then announce to him a Penalty Grievous!

Transliteration

yasma`u ayāti allāhi tutlā `alayhi thumma yuṣirru mustakbiran ka'an lam yasma`hā fa bashshirhu bi`adhābin alīm.

45:9

Khalifa

When he learns anything about our revelations, he mocks them. These have incurred a shameful retribution.

Yusuf Ali

And when he learns something of Our Signs, he takes them in jest: for such there will be a humiliating Penalty.

Transliteration

wa idhā `alima min ayātinā shay'an attakhadhahā huzūan ūlā'ika lahum `adhābun muhīn.

45:10

Khalifa

Awaiting them is Gehenna. Their earnings will not help them, nor the idols they had set up beside GOD. They have incurred a terrible retribution.

Yusuf Ali

In front of them is Hell: and of no profit to them is anything they may have earned, nor any protectors they may have taken to themselves besides God: for them is a tremendous Penalty.

Transliteration

min warā'ihim jahannamu wa lā yughnī `anhum mā kasabū shay'an wa lā mā attakhadhū min dūni allāhi awliyā'a wa lahum `adhābun `aẓīm.

45:11

Khalifa

This is a beacon, and those who disbelieve in these revelations of their Lord have incurred condemnation and a painful retribution.

Yusuf Ali

This is (true) Guidance and for those who reject the Signs of their Lord, is a grievous Penalty of abomination.

Transliteration

hādhā hudan wa al-ladhīna kafarū biayāti rabbihim lahum `adhābun min rijzin alīm.

45:17

Khalifa

We have given them herein clear commandments. Ironically, they did not dispute this until the knowledge had come to them. This is due to jealousy on their part. Surely, your Lord will judge them on the Day of Resurrection regarding everything they have disputed.

Yusuf Ali

And We granted them Clear Signs in affairs (of Religion): it was only after knowledge had been granted to them that they fell into schisms, through insolent envy among themselves. Verily thy Lord will judge between them on the Day of Judgment as to those matters in which they set up differences.

Transliteration

wa ataynāhum bayyinātin mina al-amri famā akhtalafū illā min ba`di mā jā'ahumu al-`ilmu baghyan baynahum inna rabbaka yaqḍī baynahum yawma al-qiyāmati fī-mā kānū fī-hi yakhtalifūn.

48:23

Khalifa

Such is GOD's system throughout history, and you will find that GOD's system is unchangeable.

Yusuf Ali

(Such has been) the practice (approved) of God already in the past: no change wilt thou find in the practice (approved) of God.

Transliteration

sunnat allāhi allatī qad khalat min qablu wa lan tajida li-sunnat illāhi tabdīlan.

49:13

Khalifa

O people, we created you from the same male and female, and rendered you distinct peoples and tribes, that you may recognize one another. The best among you in the sight of GOD is the most righteous. GOD is Omniscient, Cognizant.

Yusuf Ali

O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other not that ye may despise (each other). Verily the most honoured of you in the sight of God is (he who is) the most righteous of you. And God has full knowledge and is well acquainted (with all things).

Transliteration

yā ayyuhā al-nās innā khalaqnākum min dhakarin wa unthā wa ja`alnākum shu`ūban wa qabā'ila li-ta`ārafū inna akramakum `inda allāhi atqākum inna allāha `alīmun khabīr.

53:3

Khalifa

Nor was he speaking out of a personal desire.

Yusuf Ali

Nor does he say (aught) of (his own) Desire.

Transliteration

wa mā yanṭiqu `an il-hawā

53:4

Khalifa

It was divine inspiration.

Yusuf Ali

It is no less than inspiration sent down to him:

Transliteration

in huwa illā waḥyun yūḥā.

59:7

Khalifa

Whatever GOD restored to His messenger from the (defeated) communities shall go to GOD and His messenger (in the form of a charity). You

shall give it to the relatives, the orphans, the poor, and the traveling alien. Thus, it will not remain monopolized by the strong among you. You may keep the spoils given to you by the messenger, but do not take what he enjoins you from taking. You shall reverence GOD. GOD is strict in enforcing retribution.

Yusuf Ali

What God has bestowed on His Apostle (and taken away) from the people of the townships,- belongs to God,- to His Apostle and to kindred and orphans, the needy and the wayfarer; In order that it may not (merely) make a circuit between the wealthy among you. So take what the Apostle assigns to you, and deny yourselves that which he withholds from you. And fear God; for God is strict in Punishment.

Transliteration

mā afā'a allāhu `alā rasūlihi min ahli al-qurā fa lillāhi wa lil-rasūli wa li dhī al-qurbā wa al-yatāmā wa al-masākīni wa abni al-sabīl kay lā yakūna dūla-tan bayna al-aghniyā'i minkum wa mā atākum al-rasūlu fa khudhūhu wa mā nahākum `anhu fa antahū wa attaqū allāha inna allāha shadīdu al-`iqāb.

60:4

Khalifa

A good example has been set for you by Abraham and those with him. They said to their people, "We disown you and the idols that you worship besides GOD. We denounce you, and you will see nothing from us except animosity and hatred until you believe in GOD ALONE." However, a mistake was committed by Abraham when he said to his father, "I will pray for your forgiveness, but I possess no power to protect you from GOD." "Our Lord, we trust in You, and submit to You; to You is the final destiny."

Yusuf Ali

There is for you an excellent example (to follow) in Abraham and those with him, when they said to their people: "We are clear of you and of

whatever ye worship besides God: we have rejected you, and there has arisen, between us and you, enmity and hatred for ever—unless ye believe in God and Him alone": But not when Abraham said to his father: "I will pray for forgiveness for thee, though I have no power (to get) aught on thy behalf from God." (They prayed): "Our Lord! in Thee do we trust, and to Thee do we turn in repentance: to Thee is (our) Final Goal."

Transliteration

qad kānat lakum uswatun ḥasanatun fī ibrāhīma wa al-ladhīna ma`ahu idh qālū li-qawmihim innā buraa'u minkum wa mimmā ta`budūna min dūni allāhi kafarnā bikum wa badā baynanā wa baynakumu al-`adāwatu wa al-baghḍā'u abadan ḥattā tu'uminū billāhi waḥdahu illā qawla ibrāhīma liabīhi la-astaghfiranna laka wa mā amliku laka mina allāhi min shay'in rabbanā `alayka tawakkalnā wa ilayka anabnā wa ilayka al-maṣīr.

62:2

Khalifa

He is the One who sent to the gentiles a messenger from among them, to recite to them His revelations, purify them, and teach them the scripture and wisdom. Before this, they had gone far astray.

Yusuf Ali

It is He Who has sent amongst the Unlettered an apostle from among themselves, to rehearse to them His Signs, to sanctify them, and to instruct them in Scripture and Wisdom,- although they had been, before, in manifest error.

Transliteration

huwa al-ladhī ba`atha fil-ummīyīna rasūlan minhum yatlū `alayhim ayātihi wa yuzakkīhim wa yu`allimuhumu al-kitāba wa al-ḥikmata wa in kānū min qablu lafī ḍalālin mubīn.

75:16

Khalifa

Do not move your tongue to hasten it.

Yusuf Ali

Move not thy tongue concerning the (Qur'an) to make haste therewith.

Transliteration

lā tuḥarrik bihi lisānaka lita`jala bihi

75:17

Khalifa

It is we who will collect it into Qur'an.

Yusuf Ali

It is for Us to collect it and to promulgate it:

Transliteration

inna `alaynā jam`ahu wa qur'ānahu

75:18

Khalifa

Once we recite it, you shall follow such a Qur'an.

Yusuf Ali

But when We have promulgated it, follow thou its recital (as promulgated):

Transliteration

fa idhā qara'nāhu fa attabi` qur'ānahu

75:19

Khalifa

Then it is we who will explain it.

Yusuf Ali

Nay more, it is for Us to explain it (and make it clear):

Transliteration

thumma inna `alaynā bayānahu

NOTES

Introduction: The Issue of Authority and Its Ongoing Importance

1. Michael Cook, "Anan and Islam: Origins of Karaite Scripturalism," *Jerusalem Studies in Arabic and Islam* 9 (1987), 161–182.
2. Haggai Ben-Shammai, "The Attitude of Some Early Karaites towards Islam," *Studies in Medieval Jewish History and Literature*, vol. II. Edited by Isadore Twersky, Harvard University Center for Jewish Studies (Cambridge, MA: Harvard University Press, 1984), 4.
3. Cook, "Anan and Islam," 165.
4. Ṭāhā Jābir al-ʿAlwānī, *Uṣūl al-fiqh al-Islāmī: Source Methodology in Islamic Jurisprudence.* Translated by Yusuf Talal DeLorenzo, International Institute of Islamic Thought (Herndon, VA, 1990), 6.
5. Ibid., 5.
6. Ibn Ḥazm uses the adjective *maqrūʿ*, contrasting it with *matlū*. This contrast raises an interesting theological/linguistic question that deserves further consideration.
7. Abū Muḥammad ʿAlī Ibn Ḥazm*, al-Iḥkām f ī Uṣūl al-Aḥkām*, vol. 1. Edited by Aḥmad Shākir, Maṭbʿa al-Imām (Cairo, ND), 87.
8. Tawfiq Sidqī, "al-Islām huwa al-Qur'ān Waḥdahu," *al-Manār* 9:7 (Cairo, 1906), 510–524.
9. R. Caspar, "Un aspect de la pensée musulmane moderne: le renouveau du moʿtazilisme," *MIDEO* 4 (Cairo: Dar al-Maaref, 1957), 162.
10. Cook, "Anan and Islam," note 33, 167.
11. Muḥammad b. Idrīs. al- Shāfiʿī, *Kitāb Jimāʿ al-ʿIlm* in *Kitāb al-Umm*, vol. 7. Edited by Maḥmūd Maṭrajī (Beirut: Dâr al-Kutub al-ʿIlmiyya, 1996), 460.
12. Khadīm Husayn Ilahī Bakhsh. *al-qur'āniyūn wa-shubhatuhum hawla al-sunna*: *dirasāt fi al-Firaq* (Taif, Saudi Arabia: Maktabat al-Ṣiddīq, 1989).
13. Ignaz Goldziher, "Kämpfe um die Stellung des Ḥadīṯ im Islam," *Gesammelte Schriften* (Hildesheim: Georg Olms Verlagsbuchhandlung, 1970), 86–98; Nabia Abbott, *Studies in Arabic Literary Papyri*, vol. 2, *Qur'anic Commentary and Tradition* (Chicago: University of Chicago Press, 1967), 6–7; John Burton, *The Sources of Islamic Law* (Edinburgh: Univ. Press, 1990), 22–23.
14. Christopher Melchert, "Traditionist-Jurisprudents and the Framing of Islamic Law," *Islamic Law and Society* 8:3 (Leiden: Brill, 2001), 403.
15. For a detailed discussion of classical Muslim categorization of the *Ḥadīth*, see *An Introduction to the Science of Tradition: Being al-mudkhil ilā maʿrifatal-Iklīl* by al-Ḥākim Abū ʿAbd Allāh Muḥammad b. ʿAbd Allāh al-Naisābūrī. Translated and edited by James Robson (London: The Royal Asiatic Society, 1953).

16. N.J. Coulson, "European Criticism of Ḥadīth Literature," in *Arabic Literature to the End of the Umayyad Period*, ed. A.F.L. Beeston, T.M. Johnstone, R.B. Serjeant, and G.R. Smith (Cambridge: Cambridge University Press, 1983), 317.
17. Fuat Sezgin, *Geschichte des Arabischen Schrifttums*. Band I (Leiden: E.J. Brill, 1967); Abbott, *Studies in Arabic Literary Papyri*; Muhammad Mustafa Azami, *Studies in Hadith Methodology and Literature* (Indianapolis: American Trust Publications, 1977).
18. Harald Motzki, "The *Muṣannaf* of ʿAbd al-Razzaq al-Ṣanānʿī as a Source of Authentic *Aḥādīth* of the First Century A.H," *JNES* 50 (1991), 2.
19. Ibid., 21.
20. G.H.A. Juynboll, *The Authenticity of the Tradition Literature: Discussions in Modern Egypt*. (Leiden: E.J. Brill, 1969).
21. Daniel Brown, *Rethinking Tradition in Modern Islamic Thought* (Cambridge: Cambridge University Press, 1996).
22. Ibid., 5, 6, 8.
23. Joseph Schacht*, The Origins of Muhammadan Jurisprudence* (Oxford: At the Claredon Press, 1950), 57.
24. John Burton*, The Collection of the Qur'ān* (Cambridge: Cambridge University Press, 1977), 19.
25. Aloys Sprenger, "On the Origin of Writing down Historical Facts among the Musalmans," *JASB* XXV (1856): 303–329, 375–381.
26. Goldziher, "Kämpfe um die Stellung des Ḥadīṯ im Islam," 86–98.
27. Abbott, *Studies in Arabic Literary Papyri*, 6–7.
28. Ibid., 8.
29. Josef van Ess, "L'autorité de la tradition prophétique dans la théologie muʿtazilite," *La notion d' autorité au Moyen Age Islam, Byzance, Occident*: *Colloques Internationaux de la Napoule*. Edited by George Makdisi, Dominique Sourdel, and Janine Sourdel-Thomine (Paris: Presses Universitaires de France, 1982), 211–226.
30. Josef van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra*, Band IV (Berlin: Walter de Gruyter, 1997), 649–654.
31. Herbert Berg, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* (Richmond, Surrey: Curzon, 2000), 6–92.
32. Ibid., 227.
33. Michael Cook, "The Opponents of the Writing of Tradition in Early Islam," *Arabica* LXIV (1997), 437–530; Gregor Schoeler, "Mündliche Thora Und Ḥadīṯ: Überlieferung, Schreibverbot, Redaktion," *Der Islam*, no. 66 (1989), 213–251.
34. Ibid., 476.
35. Ibid., 498.
36. Ibid., 491–492.
37. Gregor Schoeler, "Mündliche Thora Und Ḥadīṯ: Überlieferung, Schreibverbot, Redaktion," *Der Islam*, no. 66 (1989), 231, 249.
38. Ibid., 236.
39. Ibid., 222–224.
40. Ibid., 225, 233.
41. Ibn Saʿd, *al-Ṭabaqāt al-Kubrā*, vol. III, pt. I. Edited by Eduard Sachau (Leiden: E.J. Brill, 1904), 206; Schoeler, "Mündliche Thora Und Ḥadīṯ," 226.
42. Schoeler, "Mündliche Thora Und Ḥadīṯ," 226.
43. *Taqyīd al-ʿIlm*, 39.
44. Schoeler, "Mündliche Thora Und Ḥadīṯ," 225, 233.
45. Shawkat M. Toorawa, Ibn *Abī Ṭāhir Ṭayfur And Arabic Writerly Culture: A Ninth Century Bookman In Baghdad* (New York: RoutledgeCurzon, 2005).
46. Ibid., 23.
47. Ibid., 21–22.

48. John Burton, *Introduction to the Hadith* (Edinburgh: Edinburgh University Press, 1994), 27; and "The Qur'an and the Islamic Practice of Wudu'," *Bulletin of the School of Oriental and African Studies, University of London* 51:1 (1988), 35.
49. Cook, "Anan and Islam," 166.
50. Cook, "The Opponents of Writing Tradition," 492.

1 The Early Controversies: Sources and Issues

1. ʻAbd Allāh ibn Muḥammad al-Nāshi', *Kitāb Uṣūl al-Niḥal in Frühe Muʻtazilitische Häresiographie: Zwei Werke des Nāšiʼal-Akbār* (Beirut, 1971), 69.
2. Abū al-Ḥusayn Muḥammad ibn Aḥmad al-Malaʻī, *Kitāb al-Tanbīh wal-Radd ʻalā Ahl al-Ahwā' wal-Bida*ʻ (Istanbul: Maṭbaʻat al-Dawla, 1936), 42.
3. Muḥammad b. Idrīs al-Shāfiʻī, *Al-Risāla*. Edited by Aḥmad M. Shakīr (Cairo, 1940), 89.
4. Muḥammad b. Idrīs al-Shāfiʻī, *Kitāb Jimāʻal-ʻIlm* in *Kitāb al-Umm*, vol. 7. Edited by Maḥmūd Maṭrajī (Beirut: Dâr al-Kutub al-ʻIlmiyya, 1996), 460–483.
5. Al-Shāfiʻī, *al-Risāla*, 93.
6. Ibn Qutayba, *Ta'wīl Mukhtalif al-Ḥadīth* (Beirut: Dār al-Kitāb al-ʻArabī, n.d.).
7. *EI2*, vol. 4 (Leiden: Brill, 1978), 468b–471a.
8. Michael Cook, "Anan and Islam: Origins of Karaite Scripturalism," *Jerusalem Studies in Arabic and Islam* 9 (1987), note 33, 167.
9. Al-Shāfiʻī, *Jimāʻal-ʻIlm*, 460.
10. Ibid., 467.
11. Ibid.
12. The Shīʻas have a more negative view of ʻUmar and other close companions of Muḥammad.
13. Linda Lee Kern, "The Riddle of ʻUmar ibn al-Khaṭṭāb in al-Bukhārī's *Kitāb al-Jāmi*ʻ *al-Ṣaḥīḥ* (PhD diss., Harvard University, 1996), 19.
14. Ibid., 93.
15. Iḥsān ʻAbbās, introduction *to al-Ṭabaqāt al-Kubrā*, vol. 1, by Ibn Saʻd (Beirut: Dār Beirut lil-Ṭibāʻa wal-Nashr, 1960), 5–18.
16. Ibn Saʻd, *al-Ṭabaqāt al-Kubrā*, vol. III, pt. I. Edited by Eduard Sachau (Leiden: E.J. Brill, 1904), 206.
17. Ibid., vol. V, 140.
18. "Mishna," http://www.encyclopedia.com/articles/08554.html.
19. Ibn Saʻd, *al-Ṭabaqāt al-Kubrā*, vol. VI, 2.
20. Ibn Manẓūr, *Lisān al-ʻArab*, vol. 1 (Beirut: Dār Lisān al-ʻArab, 1988), 433.
21. In fact, al-Azmi makes both of these arguments against a similar story recorded by al-Khaṭīb al-Baghdādī more than two centuries after ʻAbd al-Razzāq and Ibn Saʻd.
22. Harald Motzki, "The *Muṣannaf* of ʻAbd al-Razzāq al-Ṣanāʻī as a Source of Authentic *Aḥādīth* of the First Century A.H," *JNES* 50 (1991), 1–22.
23. ʻAbd al-Razzāq ibn Hammām al-Himyārī, *Kitāb al-Muṣannaf*, vol. 11 min manshūrat al-Majlis al-ʻIlmī; 39. al-Ṭabaʻa 2 (Beirut: al-Maktab al-Islāmī, 1983), 257.
24. Ibid., 325.
25. Ibid., 257–258.
26. Manẓūr, *Lisān*, vol. 1, 433.
27. Ibn Saʻd, *al-Ṭabaqāt al-Kubrā*, vol. VI, 2.
28. ʻAbd al-Razzāq, *Kitāb al-Muṣannaf*, vol. 11, 325.
29. Sakhr Software, *Al-Ḥadīth al-Sharīf*, v. 2.0. al-Bukhārī 4079, 5237; Muslim 3091; Aḥmad 2835, 2945.
30. Ibid.
31. Kern, "The Riddle of ʻUmar ibn al-Khaṭṭāb," 61.

32. Ibid.
33. Sakhr Software, *Al-Ḥadīth al-Sharīf*, v. 2.0, *Muslim* 5326; Aḥmad 10663, 10665, 10731, 10916, 11110; al-Dārimī 451.
34. Mohammad Mustafa Azmi, *Studies in Early* Ḥadīth *Literature* (Beirut: al-Maktab al-Islāmī), 22.
35. For a detailed synopsis of classical Muslim explanations of these *Ḥadīth*, see Azmi, 23–24.

2 Al-Shāfiʿī and Ibn Qutayba: Prophetic Reports as Revelation

1. N.J. Coulson, *A History of Islamic Law* (Edinburgh: At the University Press, 1194), 53.
2. Wael B. Hallaq, "Was Al-Shafiʿi the Master Architect of Islamic Jurisprudence?" *International Journal of Middle East Studies* no. 25 (1993): 587–605.
3. Ibid., 592–593.
4. Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: At the Claredon Press, 1967), 330.
5. Norman Calder, *Studies in Early Muslim Jurisprudence* (New York: Oxford University Press, 1993), 84.
6. Ibid.
7. Joseph Lowry, "The Legal Hermeneutics of Al-Shāfi'i and Ibn Qutayba: A Reconsideration," *Islamic Law and Society* 11:i (2004), 2.
8. Ibid., 41.
9. Joseph E. Lowry, "The Legal-Theoretical Content of the Risāla of Muḥammad B. Idrīs al-Shāfiʿī" (PhD diss., University of Pennsylvania, 1999), 8.
10. ʿAbd al-Ḥalīm al-Jindī*, al-Imām al-Shāfiʿī: Nāṣir al-Sunna wa-Wāḍiʿ al-Uṣūl* (Cairo: Dār al-Kātib al-ʿArabiyy li Tibāʿa wal-Nashr, 1967), 70.
11. Ibn Ḥajr al-ʿAsqalānī, *Tawālī al-Ta'sīs li Maʿālī Muḥammad ibn Idrīs*. Edited by Abū Al-Fida' ʿAbd Allāh al-Qāḍī (Beirut: Dār al-Kutub al-ʿIlmiyya, 1986), 96.
12. Muḥammad ibn Idrīs al-Shāfiʿī, *Kitāb Jimāʿ al-ʿIlm*, in *Kitāb al-Umm*. Edited by Maḥmūd Maṭrajī (Beirut: DĀr Kutub al-ʿIlmiyya, 1993), 460.
13. Ibid., 481.
14. Ibid., 460.
15. Ibid., 467.
16. Ibid., 460; Qur'ān 16:89: *We have sent down to you the Scripture as an Explanation of everything, a Guide, a Mercy, and Glad Tidings to Muslims.*
17. For a detailed linguistic analysis of the key religious-legal terminology used by al-Shāfiʿī, see Lowry, "The Legal-Theoretical Content of the *Risāla*."
18. Josef van Ess, *Zwischen Ḥadīth und Theologie* (Berlin: Walter de Gruyter, 1975), 56.
19. Michael Cook, *Muslim Dogma* (Cambridge: Cambridge University Press, 1981), 66–67.
20. Ibid., 9. For this passage, I have used both Cook's transliteration and translation.
21. Ibid.
22. Ibid.
23. Ibid.
24. Ibid., 461.
25. Ibid.
26. Ibid.
27. Ibid.
28. Qur'ān 4:65; 4:80; 4:63; al-Shāfiʿī, *Kitāb Jimāʿ al-ʿIlm*, 461–462.
29. Qur'ān 59:7.
30. Al-Shāfiʿī, *Kitāb Jimāʿ al-ʿIlm*, 462–463.

31. Al-Ḥājj ibn Sa'īd al-Sharīf, Introduction to *Tafsīr Kitāb Allāh al-'Azīz*, vol. 1 by Hūd ibn Muḥakkam (Beruit: Dār al-Gharb al-Islāmī, 1990), 13.
32. Hūd ibn Muḥakkam, 4:351.
33. Qur'ān 59:7.
34. Abū Zakariyā' Yaḥā ibn Ziyād al-Farrā', *Ma'ānī al-Qur'ān*, vol 3. Edited by 'Abd al-Fattāḥ Ismā'īl al-Thalabī (Cairo: al-Hayata al-Miṣriyya al-'Āmma lil-kitĀb, 1972), 144–145.
35. 'Abd al-Razzāq al-Ṣan'ānī, *Tafsīr 'Abd al-Razzāq*, vol. 3. Edited by Maḥmūd Muḥammad 'Abduh (Beirut: Dar al-Kotob al-Ilmiyah, 1999), 298–299.
36. Al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 462–463.
37. Ibid., 463.
38. Ibid.
39. Ibid., 463–464.
40. Ibid.
41. The text of each of the editions consulted has this sentence as a continuation of the challenger's statement of his remaining concerns. But it makes more sense to me to read this as al-Shāfi'ī's words, assuming that "fa qultu" is missing from the text. In this case, I understand the book to which he refers is his *Ikhtilāf al-Ḥadīth*.
42. Al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 463–464.
43. Ibid., 464.
44. Ibid., 469.
45. Ibid., 467.
46. Ibid.
47. Ibid.
48. Ibid., 468.
49. Ibid.
50. Ibid.
51. Ibid.
52. Ibid., 469.
53. Ibid., 473.
54. For a succinct classical definition of this type of report, see Wensinck's translation of al-Nasafī in *The Muslim Creed: Its Genesis and Historical Development*, 2nd edition (New Delhi: Oriental Reprint, 1979), 263.
55. Al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 473.
56. Ibid., 474.
57. Ibid., 474–476.
58. Ibid., 477.
59. Ibid.
60. *Take what the Messenger gives you, and deny yourselves that which he forbids you.*
61. Sufyān b. 'Uyayna (d. 198 AH).
62. Al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 481.
63. Ibid.
64. Ibid.
65. Ibid., 482–483; Qur'ān 10:15; 6:106; 4:80.
66. Muḥammad ibn Idrīs al-Shāfi'ī, *al-Risāla*. Edited by Aḥmad Muḥammad Shākir (Cairo: al-Bābī al-Ḥalabī, 1940).
67. Ibid., 17.
68. Ibid., 21–22.
69. Ibid., 75; Qur'ān 24:62.
70. Al-Shāfi'ī, *al-Risāla*, 79; Qur'ān 13:36; 4:59.
71. Al-Shāfi'ī, *al-Risāla*, 32.
72. Ibid., 76.

73. Qur'ān 2:129, 151; 3:164; 62:2; 2:231; 4:113; 33:34.
74. Al-Shāfi'ī, *al-Risāla*, 78.
75. Ibid., 86; Qur'ān 33:1–2; 45:17; 5:67; 42:52.
76. Al-Shāfi'ī, *al-Risāla*, 87–89.
77. Ibid., 224.
78. Ibid., 210–213; Note: He does include detailed discussions of the abrogating and the abrogated, as well as various types of *Ḥadīths* that are the cause of disputes elsewhere in the *Risāla*, but an examination of them is beyond the scope of this work.
79. Ibid., 370–371.
80. Al-Shāfi'ī, *Kitab Jimā'al-'Ilm*, 460.
81. Ibid., 462.
82. "The Oral Law." Jewish Virtual Library. Retrieved 06/18/02. < http://www.us-israel.org/jsource/Judaism/Oral_Law.html>.
83. Nabia Abbott, *Studies in Arabic Literary Papyri*. Vol. 2. *Qur'anic Commentary and Tradition* (Chicago: University of Chicago Press, 1967), 8.
84. Al-Shāfi'ī, *Kitab Jimā'al-'ilm*, 460.
85. There are two biographies of Ibn Qutayba in Western languages, G. Lecomte's *Ibn Qutayba: L'Homme, Son Oeuvre, Ses Idees* (Damascus: Institut Francais de Damas, 1965); and I. M. Ḥuseini's *The Life and Works of Ibn Qutayba* (Beirut: The American Press, 1950).
86. Ibid., 53–55.
87. Ibn Ḥajar al-'Asqalānī*, Lisān al-Mīzān* vol. 3 (Beirut: Dar al-Kotob al-Ilmiyah, 1996), 414.
88. Abū Manṣūr Muḥammad b. Aḥmad al-Azharī, *Tahdhīb al-Lugha* (Cairo: al-Dār al-Miṣriyya lil-Ta'līf wal-Tarjama, 1964), 31.
89. Abū al-Rayhān Muḥammad b. Aḥmad al-Bīrūnī, *al-Āthār al-Bāqiyya 'an al-Qurūn al-Khāliyya* (Leipzig: Brockhaus, 1878), 238.
90. Muḥammad Zaghlīl Sallām, *Ibn Qutayba* (Cairo: Dār al-Ma'ārif, 1957), 14.
91. Ibid.
92. Ibn al-Sayyid al-Ba'alyawsī, *al-Iqtiḍāb fi Sharḥ Adab al-Kuttāb* (Beirut: Ma'ba'a al-Adabiyya, 1901), 24.
93. Muḥammad Zubayr Ṣiddīqī, *Ḥadīth Literature: Its Origins, Development and Special Features*. Edited and revised by Abdal Hakim Murad (Cambridge: Islamic Texts Society, 1993), 74.
94. Ibn Qutayba, *Ta'wīl Mukhtalif al-Ḥadīth* (Beirut: Dār al-Kitāb al-'Arabī, ND), 5.
95. Ibid., 6–7.
96. Ibid., 9–10.
97. Ibid., 11.
98. Ibid., 12.
99. Ibid., 155.
100. Al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 460.

3 Later Works on the *Problem of the Ḥadīth*

1. Abū Ja'far Aḥmad b. Muḥammad al-Ṭaḥāwī, *Mushkil al-Āthār* (Beirut: Dār al-Ṣādir, n.d.).
2. Abū Bakr Muḥammad b. al-Ḥasan Ibn Fūrak, *Bayān Mushkil al-Ḥadīth* (Rome: Pontificium institutum biblicum, 1941). There are several variant titles by which this work is also known.
3. Al-Ṭaḥāwī, *Mushkil al-Āthār*, vol. 1, 2.
4. See earlier.
5. Ibid., 3.
6. Ibn Fūrak, *Bayān Mushkil al-Ḥadīth*, 9.
7. Ibid., 10.
8. Ibid., 10–11.

9. Ibid., 11.
10. G.F. Haddad, "al-Khatib al-Baghdadi." <http://www.sunnah.org/scholars>. Accessed June 14, 2003.
11. Yusūf al-'Ishsh, "Taṣdīr." *Taqyīd al-'Ilm*. al-Khaṭīb al-Baghdādī (NP: Dār Iḥyā' al-Sunna, 1974), 3.
12. Al-'Ishsh, *Taqyīd*, 28.
13. Ibid.
14. Ibid., 57.
15. Al-'Ishsh, *Taqyīd*, 49.
16. Ibid., 49–51.
17. 'Abd al-Razzāq ibn Hammām al-Himyārī, *Kitāb al-Muṣannaf*, vol. 11 min manshūrat al-Majlis al-'Ilmī; 39. al-Ṭaba'a 2 (Beirut: al-Maktab al-Islāmī, 1983), 258.
18. Al-'Ishsh, *Taqyīd*, 52.
19. Ibid., 54. The word in these verses is *al-qaṣaṣ* (stories), rather than *Ḥadīth*.
20. Ibid., 29–31.
21. Ibid., 35.
22. Ibid., 31–34.
23. Ibid., 38.
24. Abū Muḥammad 'Alī Ibn Ḥazm, *al-Iḥkām f ī Uṣūl al-Aḥkām*, vol. 1. Edited by Aḥmad Shākir, Maṭb'a al-Imām (Cairo, ND), 87.
25. Israel Friedlaender, "Shiitic Influences on Jewish Sectarianism," *Essential Papers on Messianic Movements and Personalities in Jewish History*. Edited by Marc Saperstein (New York: New York University Press, 1992), 114. Haggai Ben-Shammai, "The Attitude of Some Early Karaites towards Islam," *Studies in Medieval Jewish History and Literature*, vol. II. Edited by Isadore Twersky. Harvard University Center for Jewish Studies (Cambridge, MA: Harvard University Press, 1984), 4.
26. Andre Paul, *Écrits de Qumran et Sects Juives aux Première Siècles de l'Islam* (Paris: Letouzey et Ane, 1969), 105.
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6 A Translation of *Kitāb Jimāʿal-ʿilm*

1. Qur'ān 16:89.
2. The editors of the various editions indicate that there is missing text in the manuscripts and that there is no way of knowing what that is from the available texts.
3. Qur'ān 62:2.
4. Ibid., 33:34.
5. Ibid., 4:65.
6. Ibid., 4:80.
7. Ibid., 24:63.
8. Ibid., 59:7.
9. In the texts, this comes immediately after al-Shāfiʿī's question and not after "He said," suggesting that al-Shāfiʿī is still speaking. However, given the context I think it makes more sense to read it as his opponent's response.
10. Qur'ān 2:180.
11. Ibid., 13:16.
12. Ibid., 49:13.
13. Ibid., 22:73.
14. Ibid., 7:163.
15. The texts differ here. One includes the word *qāla* after the word *or*, while the other two do not.
16. Here, I have chosen to follow the wording of the Dār al-Shaʿb edition, which reads *akhaʿa'*, rather than the wording in the Maʿrajī or al-Najjār texts, which reads *al-khaʿa'*.
17. *Al-mashūd lahu*, lit. "the one testified about or to"; given the context, I think the translation "victim" best captures al-Shāfiʿī's meaning.
18. Maʿrajī and al-Najjār punctuate this with a question mark. There is no interrogative particle; however, if we read it as *tajiduka*, rather than *najiduka*, then reading it as a question would make sense.
19. *al-ẓāhir* versus *al-ghayb*.
20. The Maʿrajī and al-Najjār editions read *lam najid*, but the D 1r al-Shaʿb edition reads *lam tajid*.
21. *Bimā istaḥsanā; istiḥsān*
22. The text reads *ʿalāʿalab al-akhbār al-lāzima*, and each of the editors suggests that perhaps it should read *baʿd ʿalab al-akhbār* . . . (*after* seeking a binding report). However, I have chosen to translate

the preposition that occurs in the text because I agree with the view Schacht expresses in *An Introduction to Islamic Law*, where he sees a synthesis between reliance on tradition and systematic reasoning in al-Shāfiʿī's thinking (46).

23. Qur'ān 2:144.
24. Ibid., 6:97.
25. The al-Najjār and Maṭrajī editions punctuate the passage as if it were a quote from the Qur'ān, but add a footnote explaining that it is a paraphrase used by al-Shāfiʿī to show what the Qur'ān indicates. The Dār al-Shaʿb edition does not punctuate the text as though it is a quote from the Qur'ān, but it does contain the same cautionary footnote explaining that it is in fact a paraphrase and not a direct quote. I have chosen to render it as the paraphrase that it is.
26. This passage occurs in the al-Najjār and Dār al-Shaʿb editions, but not in the Maṭrajī edition. Moreover, the al-Najjār and Dār al-Shaʿb editions differ slightly. The Dār al-Shaʿb edition reads *fa-hādhā shayy'un mā kulliftu al-iḥāṭata fī aṣlihi . . .*, while the al-Najjār edition reads *a fa-hādhā shayy'un kallafat al-iḥāṭatu fī aṣlihi al-bayt* (*Is this something for which comprehensive knowledge of its source has been demanded?*) . . . Because of what follows, I have chosen to use the Dār al-Shaʿb edition in this translation.
27. The al-Najjār and Maṭrajī texts read, "we say," and the Dār al-Shaʿb text reads, "you say." Given the response of al-Shāfiʿī, I have chosen to follow the latter in my translation.
28. Qur'ān 5:95. This verse gives instructions on what must be done to atone for the sin of hunting during the Pilgrimage.
29. The al-Najjār and Maṭrajī editions read *ʿāqil* (intelligent, reasonable), while the Dār al-Shaʿb edition reads *ghāfil* (unaware, heedless). Both words would make sense; however, given the overall context, the former makes more sense than the latter, and that is what I have translated.
30. Here, the text continues, without *qāla* [he said], as if it were a continuation of al-Shāfiʿī's response. However, the feminine pronoun suffix on the preposition *min* requires an antecedent. Either the pronoun suffix should be masculine (min*hu*), referring back to *knowledge*, in which case it would be the continuation of al-Shāfiʿī's, or the feminine suffix refers back to the plural *wujūh* (kinds) being delineated by al-Shāfiʿī's opponent. I have chosen to translate it as the next type of knowledge mentioned by al-Shāfiʿī's opponent.
31. The al-Najjār and Maṭrajī editions of the text punctuation the phrase *fa-ayy ḥāl wajadt-hum bi-hā* as a question *(in which situation do I/you find them?*). However, in the context that follows, it makes more sense to read it as a dependent clause: *fa-ayy ḥāl wajadtum bi-hā* (*then, any situation in which I find them . . .*).
32. The editors of all three editions indicate that there is text missing here and all three offer the same possibility for the missing text: *li-annahum lā yajtamiʿūna min jihta illā wa-hum yajtamiʿūna min kulli jihta* (*they do not agree on a single aspect unless they agree on every aspect*).
33. Qur'ān 24:2.
34. The al-Najjār and Maṭrajī texts read *lā tajidu al-khayr ʿanhum*, while the Dār al-Shaʿb text reads, *lā tajidu al-khabar ʿanhum*. In the overall context, I believe the latter reading makes the most sense and have translated it accordingly.
35. *yatajāwizūna al-qaṣd*.
36. *fī ghāyatin*; the word *ghāya* means the utmost limit, extent. According to Lane, it can refer to a person "*superlative*, or *consummate*" or who has "*attained the utmost degree*."
37. In the al-Najjār and Dār al-Shaʿb editions this is a negative clause: *lā yakūn mukhālif*, but given the overall context, I have chosen to follow the Maṭrajī text, which does not contain the negative.
38. Here, the various texts differ. The al-Najjār and Dār al-Shaʿb editions read *mā arā illā mā waṣaftu laka*, while the Maṭrajī and alwaraq.com editions read *mā arā mā waṣaftu laka*.
39. Here, the Dār al-Shaʿb edition is the only one that contains the negative, *lam tajid*. The other three editions read *fīmā tajid* Given the overall context, I have chosen to follow the Dār al-Shaʿb text and use the negative.

40. The Dār al-Sha‘b edition omits the word *qaḍā*’. In this case, I have chosen to follow the majority of the texts.
41. Here, all the editions other than the Dār al-Sha‘b include the words *min fi‘lihim*. Because this addition does not significantly alter the sense of the text, I have chosen to follow the Dār al-Sha‘b text, as it makes for a smoother translation.
42. Here, all of the texts read: *idhā naqūlu bihi lā yūjad hādhā abadan (If we believe it in, it does not exist at all).* This makes no sense within the context of the discussion. Given al-Shāfi‘ī’s affirmative response, I believe that something is missing from the text. Because the particle *idhā* may be used to introduce an indirect question, I take it to be an indirect question to al-Shāfi‘ī.
43. The al-Najjār and Maṭrajī editions read *taḥaddu*, while the Dār al-Sha‘b and alwaraq.com texts read *tajidu*. Within the context of the overall discussion, the former seems to make the most sense.
44. Here, the al-Najjār, Maṭrajī, and alwaraq.com texts conjugate the verb in the third person, masculine, singular, which makes sense if it is read in the passive, *yuqbalu*. The Dār al-Sha‘b edition conjugates the verb in the second person, masculine, singular, *taqbalu*. Because the active voice is preferable in English usage, I have chosen to follow the text as it appears in the Dār al-Sha‘b edition.
45. The editors of the three hardcopy texts all note that there is apparently text missing here, and suggest that it may originally have read *qultu: a fī khabr al-khāṣṣa* (*I said: In particular, isolated reports?*).
46. Only the Dār al-Sha‘b edition includes the preposition ‘*an*.
47. Qur’ān 3:105.
48. Ibid., 98:4.
49. Ibid., 2:149.
50. Ibid., 2:150.
51. Ibid., 2:282.
52. Ibid., 65:2.
53. Ibid., 5:95.
54. Ibid., 4:34.
55. Ibid., 2:229.
56. Ibid., 59:7.
57. Ibid., 4:65.
58. Ibid., 33:36.
59. Ibid., 9:103.
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62. Ibid., 59:7.
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